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INDEX NO.

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ORDINANCE NO. 12092

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 35, RELATIVE TO VEHICLES FOR HIRE AND TO ADD A NEW ARTICLE RELATIVE TO PEDAL CARRIAGE OR PEDICABS, RICKSHAWS AND PERSONAL MOBILITY DEVICES USED AS VEHICLES FOR HIRE.

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WHEREAS, the City Council finds that regulation of all motorized and non-motorized vehicles that carry passengers for hire in urban areas of the City is necessary; and,

WHEREAS, the City Council finds that it is necessary to protect the safety and safety of passengers and the public from traffic hazards created by these vehicles; and,

WHEREAS, the City Council finds that it is necessary to make all needful rules or regulations for the government of such conveyances and their operation within the city and for a distance of seven miles beyond the city limits; to issue certificates of convenience and necessity for the operation of taxicabs, automobiles, limousines, sedans, vans and buses, commercial passenger boats and motorized and non-motorized vehicles that carry passengers for hire in urban areas of the City and to determine the number of taxicabs, automobiles, limousines, shuttles, sedans, vans motorized and non-motorized vehicles that carry passengers for hire needed for the furnishing of transportation to the inhabitants of the city and the public in general; and,

WHEREAS, the City Council finds that it is necessary to make all needful rules or regulations for the government to regulate and control the commercial use of pedal carriages and rickshaws as modes of transportation-for-hire within entertainment, dining, scenic and/or historic areas of the center city. The provisions of such this ordinance shall reasonably relate to

promotion and protection of the health, safety and welfare of operators, passengers, pedestrians, motorists and others visiting or working within the center city; and,

WHEREAS, the City Council finds that it is necessary to make all needful rules or regulations for the government to regulate and control the commercial use electric personal assistive mobility devices or segways (EPAMDs) to transport passengers for hire, including the restriction, limitation or exclusion on the use or operation of EPAMDs, if necessary, in the interest of public safety and in the interest of the preservation of natural areas and only to the same extent as bicycles are restricted, limited or excluded.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, is amended by adding the following language to Article II and III: "Limousines, Shuttles, and Motor Vehicles Transporting Passengers for Hire."

SECTION 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, is amended by deleting all references to "Taxicab Board" and "Taxicab Inspector" and inserting in lieu thereof "Transportation Board" and "Transportation Inspector."

SECTION 3. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Section 17, Subsection is amended by repealing and terminating the Taxi Board and deleting the section in its entirety and inserting in lieu thereof the following language:

There is hereby created a Transportation Board. Such Board shall consist of five (5) members appointed from the public at large and four (4) members from the vehicle for hire industry all of whom shall be appointed by the Mayor and confirmed by the City

Council. The vehicle for hire members shall be limited to two (2) members from the vehicle for hire taxi industry. The vehicle for hire taxi members shall be owners or operators of taxicabs, but not more than one (1) member shall be employed by or affiliated with the same taxi company or cab stand. Board members shall serve without compensation. The terms of the members shall be three (3) years, except that of the initially appointed members three (3) shall serve for one (1) year, three (3) for two (2) years, and three (3) for three (3) years as designated at the time of appointment and until their successors are appointed. Whenever a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as the original appointment. No person shall serve on the Board for more than two (2) consecutive complete terms. Nominations for appointment to the Board shall be solicited through the City Council members and from broadly representative community groups, including, but not limited to the Convention and Visitors Bureau, food and restaurant industry, Hotel and motel industry, Chamber of Commerce, Chattanooga Airport Authority, Chattanooga Area Regional Transit Authority, persons involved in public transportation and planning that are not members of the vehicle for hire industry.

SECTION 4. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Section 18, Subsection is amended by inserting "or Department head" after "Mayor" and before "shall designate."

SECTION 5. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Section 19, Subsection is amended by deleting the language in the section in its entirety and inserting in lieu thereof the following language:

**Sec. 35-19. Jurisdiction; appeals.**

The Transportation Board shall have exclusive jurisdiction of the licensing and regulation of all vehicles for hire that are subject to this Chapter and shall constitute the sole administrative agency for the administration of all laws and ordinances relating to the

licensing and regulation of all vehicles for hire, to issue certificates of convenience and necessity for the operation of vehicles for hire and to determine the number of vehicles for hire needed for the furnishing of transportation to the inhabitants of the city and the public in general. 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 Transportation Board shall be final, subject to such judicial appeal as may be allowed by law.

SECTION 6. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Section 20, Subsection is amended by inserting "or Department head" after "Mayor" and before "shall appoint."

SECTION 7. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Section 35-22 is amended by adding the following new definitions:

*Airport limousine* means every vehicle designed and/or constructed to accommodate and transport passengers, not more than twelve (12) in number, exclusive of the driver, having an operating agreement with an airport providing for a fixed passenger fare and a fixed schedule, the principal operations of which airport limousine is confined to areas between the airport and fixed points in municipalities, counties and the suburbs of the same within a forty (40) mile radius of such airport.

*Certificate or certificate holder* means a certificate of public convenience and necessity issued by the Transportation Board, authorizing the holder thereof to conduct a vehicle for hire business within Chattanooga.

*Chauffer* means every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation.

*Commercial passenger boat company* means a company that operates one (1) or more passenger vessels for hire upon navigable waterways.

*Commuter van* means a motor vehicle, except taxicabs or airport limousines, used primarily for hauling not more than fifteen (15) passengers to and from their regular places of employment.

*Contract hauler* means any person, firm or corporation engaged in the transportation for compensation or hire of persons and/or property for a particular person or corporation to or from a particular place or places under special or individual agreement or agreements, and not operating as a common carrier and not operating exclusively within the corporate limits of an incorporated city or town, or exclusively within the corporate limits of such city or town and the suburban territory adjacent thereto, except "contract hauler" does not exclude those engaged in the transportation of mobile homes for hire or compensation within an incorporated city or town.

*Company* means a person or entity issued a certificate of public convenience and necessity to operate a vehicle for hire under this Chapter.

*Cruising* means the driving of a vehicle for hire, except horse drawn carriages or pedicabs, on the streets, alleys or public places of Chattanooga in search of or soliciting prospective passengers for hire.

*Department* means the City of Chattanooga Police Department unless otherwise indicated or unless the context otherwise requires.

*Driver's permit* means the permission granted by the Transportation Board to drive or operate a vehicle for hire upon the streets and public highways of the City of Chattanooga.

*For-hire motor carrier* means a person engaged in the transportation of goods or passengers for compensation.

*Household goods* means personal belongings transported from one residence to another by a motor carrier.

*Limousine* means any motor vehicle except a taxicab or sedan designed or constructed to accommodate and transport passengers for hire, with an extended wheel base and expanded seating

capacity designed for the transportation of persons. The vehicle shall have additional rear seating capacity, area, and comforts; and shall be designed to transport not more than fourteen (14) persons, exclusive of the chauffeur/driver, and the principal operation of such vehicle is confined to the area within the corporate limits of cities and suburban territory adjacent thereto.

*License* to operate a vehicle means any operator's or chauffeur's license or any other license or permit to operate a motor vehicle to transport passengers for hire under this Chapter.

*Manifest* means a daily record prepared by a driver or dispatcher of a vehicle for hire 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.

*Motor carrier* means any person, firm, partnership, association, joint stock company, corporation, lessee, trustee, or receiver appointed by any court whatsoever, operating any motor vehicle with or without semitrailers attached, upon any public highway for the transportation of persons or property, or both, or for providing or furnishing such transportation service, for hire as a common carrier.

*Motor transportation agent* means any person, firm, partnership, association or corporation engaged, as principal or agent, in the selling, offering for sale, negotiation for, soliciting by advertisement or otherwise, arranging as an intermediary or otherwise, or that holds such person or firm out as one who sells, provides, furnishes or arranges for, transportation for any person or persons over the highways of this state upon a share-expense plan or for fixed compensation, either in the private motor vehicles of persons not motor carriers or contract haulers not holding certificates of convenience and necessity, interstate permit, or contract hauler's permit permitting the transportation of passengers over such highways between the points for which such transportation is sold or provided, vehicle for hire does not apply to the transportation of children to and from school or for the Chattanooga Regional Transit Authority.

*Motor vehicle* means any automobile, automobile truck, motor bus, for hire motor carrier, private carrier, shuttle, sedan, van, truck bus or any other self-propelled vehicle not operated or driven upon fixed rails or tracks engaged in the business of transporting

passengers for hire on the streets, roads and public highways of the City of Chattanooga.

*Owner* means a person, entity or company authorized to operate a vehicle for hire under this Article.

*Permit or privilege* means the privilege or authority to operate a vehicle for hire in conjunction with or under the authority of a valid certificate of public convenience and necessity.

*Private carrier* means a person who provides transportation of property or passengers by a commercial motor vehicle and who is not a for-hire motor carrier.

*Public highway* means every public street, alley, road, highway, or thoroughfare of every kind in the City of Chattanooga used by the public, whether actually dedicated to the public and accepted by the proper authorities or otherwise.

*Rate card:* A card issued by the transportation inspector(s) for display in each taxicab or vehicle for hire as applicable, which contains the rates of fare then in force.

*Sedan* means any motor vehicle except a limousine or taxicab designed or constructed to accommodate and transport passengers for hire that does not have an extended wheel base or an expanded seating capacity designed for the transportation of persons. The vehicle has no additional rear seating capacity, area or comforts; is designed to transport not more than five (5) passengers, exclusive of the chauffeur/driver, the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and is not operated on a fixed route or schedule.

*Shuttle* means any motor vehicle designed or constructed to accommodate and transport not more than fifteen (15) passengers for hire, exclusive of the driver, the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and is operated on a fixed route or schedule.

*Taxicab or taxi* means any motor vehicle except a limousine or sedan designed or constructed to accommodate and transport not more than nine (9) passengers for hire, exclusive of the driver, the principal operation of which is confined to the area within the

corporate limits of cities and suburban territory adjacent thereto, and is not operated on a fixed route or schedule.

*Vehicle for hire* means any person, firm, partnership, association or corporation engaged, as principal or agent, in the selling, offering for sale, negotiation for, soliciting by advertisement or otherwise, arranging as an intermediary or otherwise, or that holds such person or firm out as one who sells, provides, furnishes or arranges for, transportation for any person or persons over the streets, roads and public highways of the City of Chattanooga for a fare, fee or any form of remuneration or upon a share-expense plan or for fixed compensation, either in private or for hire motor vehicles or in the private motor vehicles of persons not motor carriers or contract haulers, an operator under an interstate permit or contract hauler's permit permitting the transportation of passengers over such highways between the points for which such transportation is sold or provided. Vehicle for hire does not apply to the transportation of children to and from school, the Chattanooga Regional Transit Authority, or courtesy vehicles. Vehicle for hire does not include any motor vehicle regulated by the Tennessee Department of Safety. Vehicles for hire include pedal carriages and rickshaws as modes of transportation-for-hire within entertainment, dining, scenic and/or historic areas of the center city and the use of electric personal assistive mobility devices or segways (EPAMDs) to transport passengers for hire.

SECTION 8. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Section 35-23 is amended by amending Section (b) to add the following sentence at the end of the section "a vehicle for hire may be inspected at any time" and amending Section (a) to amend or add new subsections as follows:

- ( ) All tires, where applicable, shall have more than three thirty-seconds (3/32nds) of an inch of tread.
- ( ) All vehicles for hire shall have an operable horn; a rear-view mirror; two operable headlights; operable turn signals; and two operable tail lights.
- ( ) The motor vehicle's exhaust system and muffler must be in proper operating condition.

- ( ) The interior of the vehicle for hire shall be clean, with no torn seats, unpleasant odors, or broken windows.
- ( ) All doors of the vehicle for hire shall be in working order.
- ( ) All vehicles for hire shall be equipped with a taximeter and the owner shall certify to such meter being in proper working order unless otherwise authorized by the Board for contract services.
- ( ) Each vehicle for hire shall be equipped with the same number of seat belts as was installed on the vehicle at the time of its manufacture.
- ( ) Subject to applicable ordinances related to advertising and the rules of the Transportation Board, it shall be lawful for any vehicle for hire to permit advertising matter to be affixed to or installed in or on such vehicles for hire. Bumper stickers are prohibited.
- ( ) Subject to the rules of the Transportation Board, it shall be lawful for any vehicle for hire to permit safety devices, including shields, alarms, cameras or cash boxes in or on such vehicle for hire.

SECTION 9. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Section 35-24(a) is amended by inserting "vehicle for hire company" after "Each" and before "shall bear" and Sections 35-24(b) and (c) and are amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

- (b) Taxicabs or other vehicles for hire subject to this Chapter 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 motor vehicles operating from the same vehicle for hire shall be

required to adopt unique color and exterior marking schemes as provided in subsection (a).

- (c) Once a vehicle for hire shall cease to be operated as a motor vehicle used to transport passengers for hire and permitted or licensed hereunder, it shall not be operated for any other purpose until such exterior markings identifying the motor vehicle as a motor vehicle used to transport passengers for hire are obliterated.

SECTION 10. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Section 35-25 is amended deleting "taxicab" and inserting in lieu thereof "vehicles for hire" and adding the following as a new subsection:

The provisions of this section shall not apply to a vehicle for hire that has been approved by the Transportation Board to charge a fare or compensation on a contract basis without the use of a taximeter.

SECTION 11. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Section 35-26 is amended by adding the following new section and subsections and re-designating the subsections as appropriate:

- (b) Nothing contained in this subsection shall prohibit a taxi permit holder from making a contractual agreement with any passenger, company, agency or organization to furnish transportation for employees, associates, clients, patients, customers or members at a rate that is based on mileage, number of passengers, number of trips, number of passenger hours, weekly or monthly fees, or any other reasonable and calculable basis, irrespective of the mileage charges, minimum charges, and waiting time charges contained in this chapter or the certificate holder's filed rates for ordinary radio dispatch, taxicab stand,, personal call or hailed service. Such a contractual agreement that provides

for rates that differ from the rates ordinarily charged by the taxicab operator must be recorded upon a written document that is legally executed by all parties and kept on file at the certificate or permit holders place of business subject to inspection at any time by the Transportation Board or Inspector.

- (2) No owner, driver or operator of a vehicle for hire without a taximeter shall charge a greater sum for the use of a vehicle for hire than the rates set below:
  - (a) Fares for contractual services shall be not less than Fifty Dollars (\$50.00) per hour. Fares for an airport limousine shall not be higher than a fare authorized by the Chattanooga Airport Authority. A limousine service, an, sedans and vans or other vehicles for hire may not charge fares based upon fractions of an hour except after the second hour of service.
  - (b) An agreed upon fare with a passenger or passengers that simulates or mirrors a fare charged by an operator of a taxicab.

SECTION 12. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-27 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

Each vehicle for hire company shall be required to file a list of their rates thirty (30) days prior to change with the transportation inspector(s), and there shall not be more than one (1) rate charged by any one (1) vehicle for hire. Rates charged by each vehicle for hire shall be the same as that on file with the transportation inspector(s) and shall be posted conspicuously in the motor vehicle. 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 or vehicle for hire.

SECTION 13. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III,

Division I, Sections 35-28 is amended by deleting the language in its entirety and inserting in lieu thereof the following:

The driver or chauffeur of any vehicle for hire 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.

SECTION 14. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-29 is amended by deleting "taxicab" and inserting in lieu thereof "vehicle for hire" as appropriate.

SECTION 15. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-30 and are amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

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

SECTION 16. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III,

Division I, Sections 35-31 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

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

SECTION 17. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-32 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

Drivers or chauffeurs of a vehicle for hire 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.

SECTION 18. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-33 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

No driver or chauffeur of a vehicle for hire shall cruise in search of passengers, except in such areas and at such times as shall be designated by the Transportation Board or Traffic Engineer's Office. Such areas and times shall only be designated when the Transportation Board finds that a vehicle for hire would not congest traffic or be dangerous to pedestrians and other vehicles.

SECTION 19. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III,

Division I, Sections 35-34 is amended by deleting "taxicab" and inserting in lieu thereof "vehicle for hire."

SECTION 20. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-36 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

No driver or chauffeur of a vehicle for hire shall permit, except as otherwise provided in this article, any other person to occupy or ride in such vehicle for hire unless the person first employing the vehicle for hire shall consent to the acceptance of additional passengers. There is hereby authorized a charge for additional passengers not to exceed one dollar (\$5.00) 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. This section shall not apply if the vehicle for hire has an agreement to transport multiple passengers.

SECTION 21. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-37 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

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

SECTION 22. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III,

Division I, Sections 35-38 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

No driver or chauffeur of a vehicle for hire 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.

SECTION 23. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-40 is amended by adding the following new subsections and redesignating the same as appropriate:

(b) It shall be unlawful for any agent or employee or any entity required to have a City of Chattanooga business license pursuant to the laws and ordinance of the City of Chattanooga to direct passengers to any motor transportation agent that does not have a certificate of public convenience to operate a vehicle for hire issued under this Chapter or for any entity required to have a business license to knowingly permit or allow any of its agents or employees to direct passengers to any to any motor transportation agent that does not have a certificate of public convenience to operate a vehicle for hire under this Chapter.

(c) It shall be unlawful for any agent or employee or any entity required to have a City of Chattanooga business license pursuant to the laws and ordinance of the City of Chattanooga to allow a motor vehicle or motor transportation agent that has not been issued a certificate of public convenience to operate a vehicle for hire issued under this Chapter to stop, park, or otherwise place a vehicle for hire on such entities premises or in the loading or curbside area of such business.

SECTION 24. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-41 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

All persons engaged in the business of operating a vehicle for hire under the provisions of this Chapter shall render an overall service to the public desiring to use vehicles for hire. 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. A vehicle for hire company may reduce its hours of operation to a defined schedule authorized by the Transportation Board. Vehicles for hire 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, the vehicle for hire shall then notify the prospective passengers how long it will be before such call can be answered and give the reason therefore. Any certificate holder who shall refuse to accept a call anywhere within Chattanooga at any time when such certificate holder has available taxicabs or vehicles for hire or who shall fail or refuse to give overall service shall be deemed a violator of this article. The certificate granted to such holder may be suspended or revoked at the discretion of the Transportation Board for a violation of this section.

SECTION 25. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-42 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language and redesignating said section as appropriate:

Every driver or chauffeur of a vehicle for hire or dispatcher for a vehicle for hire company 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 vehicle for hire owner by the driver or chauffeur at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver or chauffeur by the vehicle for hire company or owner and shall be of a character approved by the Transportation Board.

Every vehicle for hire owner or company shall retain and preserve all driver and chauffeur 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 transportation inspector(s) and the Transportation Board.

SECTION 26. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-43 is amended by adding "report of accidents" to the section heading and adding the following new subsections and redesignating the same as appropriate:

- (b) The owner, driver or chauffeur of a vehicle for hire shall report any accident involving such vehicle for hire to the police department. The company shall notify the transportation inspector of such accident by nine (9:00) a.m. on the next business day.
- (c) No vehicle for hire involved in an accident where structural damage has occurred to the vehicle for hire shall be operated again until the vehicle for hire has been inspected by the transportation inspector or a police officer and the vehicle for hire has been certified for service in writing by a licensed motor vehicle mechanic. The company shall present such written certification to the transportation inspector.

SECTION 27. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-45 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

**Sec. 35-45. Proof of Financial Responsibility of Vehicles for Hire required.**

- (a) All vehicle for hire 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 Transportation Board for each motor vehicle engaged in the business of transporting passengers for hire and operated under their franchise.
- (b) The insurance required by this section shall cover each vehicle for hire operated under their under their certificate of public convenience and necessity.

- (c) Failure to maintain the insurance required by this section shall be grounds for revocation of a holder's certificate.

SECTION 28. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-46 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

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

SECTION 29. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-47 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

(a) An application for a certificate of public convenience and necessity shall be filed with the Transportation Board upon forms provided by the transportation inspector(s) and upon the payment of a nonrefundable fee of one thousand dollars (\$1,000.00), plus fifty dollars (\$50.00) per vehicle for hire. A renewal application and a fee of fifty (\$50.00), plus ten dollars (\$10.00) per vehicle for hire 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. The address must be within the City of Chattanooga.
- (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.

- (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) Rules for training drivers.
  - (9) Rules and procedures for driver appearance and conduct.
  - (10) Such further information as the Transportation Board may require.
- (b) No application for public convenience and necessity to operate a taxicab company shall be accepted for less than five (5) taxicabs, 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 of a vehicle for hire company or entity, 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) The lawful operation of a taxi or vehicle for hire business in Chattanooga under this Chapter on and prior to January 1, 2008, shall not be affected by this Ordinance.

SECTION 30. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-48 is amended by deleting "taxicab" and inserting in lieu thereof "vehicle for hire."

SECTION 31. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-49 is amended by deleting "taxicab" and inserting in lieu thereof "vehicle for hire" and adding the following new subsection re-designated as appropriate:

(c) Two hundred seventy-five (275) shall be the cap placed upon the issuance of permits for the first year that the Transportation Board shall be in existence, which cap may thereafter be changed by the Transportation Board pursuant to the above criteria. Permits for a vehicle for hire under this Chapter which are not regularly used shall not be renewed.

(d) A certificate holder shall have thirty (30) days from the date a vehicle for hire is approved to make such vehicle for hire operational. If a vehicle for hire 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.

SECTION 32. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-50 is amended by deleting the language in its entirety and inserting in lieu thereof the following new language:

No certificate of public convenience and necessity shall be issued or continued in operation for a vehicle for hire 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 transportation 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.

SECTION 33. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-52 is amended by deleting the language in its entirety and inserting in lieu thereof the following:

No certificate of public convenience and necessity or permit 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 Transportation Board and payment of a transfer and inspection fee of Fifty Dollars (\$50.00). 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 granted a certificate by the Transportation Board providing they are otherwise qualified for the certificate.

SECTION 34. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Section 35-53, is amended by deleting the language in its entirety and inserting in lieu thereof the following new subsections and renumbered accordingly:

( ) Violates any of the provisions of this article, including failing to maintain financial responsibility.

Allows a vehicle for hire to be operated by a person who does not have a drivers permit issued by the Transportation Board Inspector.

Fails to maintain the general qualifications applicable to the issuance of a certificate of public convenience and necessity, including, but not limited to operating the number of vehicles for hire that were required for the issuance of a certificate of public convenience and necessity.

Willfully fails to submit a vehicle for hire for inspection.

Fails to report an accident as required by this Chapter.

Changes its address, company name, officers, ownership or otherwise make any material change in the company or its identity from that set forth upon the initial application to operate a vehicle for hire.

Violates any provisions of this Chapter.

SECTION 35. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Sections 35-54 is amended by deleting the language in its entirety and inserting in lieu thereof the following new subsection and renumbered accordingly:

(a) All owners of vehicles for hire 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. Any person holding a chauffeurs' license issued by the State of Tennessee shall not be required to apply for a drivers' permit under this division but shall provide a copy of the license to the Transportation Board and inspector(s) and shall be required to produce such chauffeurs' license upon request by a law enforcement officer.

(b) No person shall operate as a vehicle for hire or operate a motor vehicle to transport passengers for hire upon the streets, roads and public highways of Chattanooga, and no person who owns or controls a motor vehicle engaged in the business of transporting passengers for hire shall permit such motor vehicle to

be so driven and no motor vehicle licensed by the Transportation Board shall be so driven at any time for hire, unless the driver or chauffeur of such motor vehicle shall first obtain and shall have then in force a driver's permit issued under the provisions of this division or a chauffeurs' license.

SECTION 36. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, Article III, Division I, Section 35-55 is amended by deleting the section in its entirety and inserting in lieu thereof the following:

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

- (a) The name, residential address, telephone number and date of birth of the applicant. No applicant under twenty-one (21) years of age shall be accepted or approved by the Transportation Board.
- (b) Proof of a license issued by the State of Tennessee with a for hire "F" endorsement or any other license or endorsement approved by the Transportation Board.
- (c) A statement from a licensed physician that certifies that he or she is in good physical condition and is free from epilepsy, vertigo, or any other medical condition that is likely to substantially impair the applicant's ability to safely operate a motor vehicle or that is likely to make the applicant an unsafe or unsatisfactory driver and drug test or such examination as approved or required by the Transportation Board and has been examined for hearing. The Transportation Board or Transportation Inspector may require an applicant to submit a statement of compliance with this subsection at any time after approval of the initial application.
- (d) A statement from a licensed physician or licensed optometrist that certifies that the applicant is free of defective vision, which cannot be corrected by eyeglasses or contact lenses, that is likely to substantially impair the applicant's ability to safely operate a motor vehicle.

(e) At the time the application or renewal is filed, the applicant shall pay to the Transportation Board a fee of ten dollars (\$10.00).

(f) The Transportation Inspector may authorize driver to operate a vehicle for hire pending final approval of the Transportation Board for sixty (60) days if the following requirements are met:

- (1) the driver has filed an application with the Transportation Inspector's office;
- (2) the driver has paid the fees necessary to approve the application;
- (3) the driver provides an affirmative statement of no criminal record;
- (4) the vehicle for hire that the temporary driver will operate has met the financial responsibility requirements of this Chapter
- (5) the Board shall reject any applicant who makes a false statement under this section.

SECTION 37. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, be and is hereby amended by adding thereto the following 35-56 is amended by deleting the language in its entirety and inserting in lieu thereof the following new Section and renumbered accordingly:

**Sec. 35-56. Public transportation employment; access to criminal conviction histories, police investigation of applicant.**

(a) The police department shall conduct an investigation of each applicant for a 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 Transportation Board. All applicants for a license or permit to operate a vehicle for hire or employ persons to transport citizens shall submit a full set of fingerprints and undergo a criminal conviction records investigation through records of the Tennessee Bureau of Investigation or the Federal Bureau of Investigation in accordance with the provisions of subsection (b).

(b) Upon receipt of an application, the Transportation Inspector(s) shall:

(1) Conduct a criminal conviction record investigation through computer terminals or other means of access to criminal convictions maintained by the municipality, the Tennessee bureau of investigation and the federal bureau of investigation; and

(2) Forward the applicant's fingerprints to the Tennessee bureau of investigation, which shall verify the identity of the applicant and conduct a criminal conviction record investigation and forward the results of that investigation to the requesting entity.

(c) If no disqualifying record is identified at the political subdivision or state level, the Tennessee bureau of investigation shall forward the fingerprints to the federal bureau of investigation for verification of the applicant's identity and the federal bureau of investigation shall conduct a criminal conviction record investigation using the fingerprints.

(d) The results of criminal conviction record investigations shall be used for the limited purpose of determining the suitability of the applicant for issuance of the license or permit or the suitability of the person for employment with the municipality.

(e) Fingerprints shall be submitted on authorized fingerprint cards or by electronic, machine-readable data, or other suitable technological means.

(f) The costs incurred in conducting such criminal conviction records investigations shall be paid by the applicant for a drivers permit.

SECTION 38. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, be and is hereby amended by adding thereto the following 35-59 is amended by deleting "September 30" and inserting in lieu thereof "the drivers' birth date."

SECTION 39. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, be and is

hereby amended by adding thereto the following 35-60 is amended by deleting the language in its entirety and inserting in lieu thereof the following new Section and renumbered accordingly:

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 motor vehicle transporting passengers for hire. A drivers' permit shall be invalid if the drivers state issued license to transport passengers for hire is suspended or revoked.

SECTION 40. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, be and is hereby amended by adding thereto the following 35-61 is amended by deleting the language in its entirety and inserting in lieu thereof the following new Section and renumbered accordingly:

The Transportation 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 Transportation 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 operate a vehicle for hire. The Transportation 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 Transportation Board shall adopt administrative procedures to govern the conduct of such hearing. The action of the Transportation Board in suspending a license or permit shall be final, subject to a review at law.

SECTION 41. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Part II, Chattanooga City Code, Chapter 35, be and is hereby amended by adding thereto the following Article:

## ARTICLE VII. PEDAL CARRIAGES AND RICKSHAWS

### DIVISION 1. IN GENERAL

#### **Sec. 35-243. Pedal carriage or pedicab business license permit- fee.**

(a) It shall be unlawful for a pedal carriage or pedicab owner to operate a pedal carriage pedicab business unless such pedal carriage or pedicab owner shall have first obtained a pedal carriage or pedicab permit from the City. A pedal carriage or pedicab permit shall be valid for a term of one (1) year and shall be subject to renewal pursuant to the provisions set forth in this article.

(b) Any new applicant for pedal carriage or pedicab permit under this article shall be charged an application and investigation fee of One Hundred (\$100.00) Dollars to cover the expense of investigating the applicant, the place of business, and the pedal carriage or pedicabs. There shall be an annual fee for a pedal carriage or pedicab permit in the amount of Fifty (\$50.00) Dollars for each pedal carriage or pedicab permit holder, plus (\$10.00) Dollars per pedal carriage or pedal carriage or pedicab.

(c) The application for a pedal carriage or pedicab permit application shall be verified under oath and shall furnish the following information:

- (1) A list of all pedal carriage or pedicabs owned, leased or controlled by such pedal carriage or pedicab owner for which such owner seeks registration. Each such pedal carriage or pedicab shall be uniquely identified.
- (2) Proof that there is in force for the full license term a policy of public liability and property damage insurance that meets the requirements of Section 35-245 of this Chapter for each pedal carriage or pedicab listed.
- (3) The applicant must list all parties having a ten (10%) percent or greater financial interest in the business on the initial application.
- (4) Such other information as the Transportation Board may require to establish the pedal carriage or pedicab owner's eligibility for a pedal carriage or pedicab business license under this Article.

(c) The Transportation Inspector shall investigate or cause to be investigated each applicant for a pedal carriage or pedicab permit under this article to determine whether or not the applicant has the necessary equipment and facilities to qualify as a pedal

carriage or pedicab business, and, if the applicant is qualified. The Transportation Inspector shall report his findings to the Transportation Board and make a recommendation regarding the issuance of a pedal carriage or pedicab permit. The Transportation Board shall direct or make such further investigation as it deems proper to grant or refuse a permit.

**Sec. 35-243. Cap on pedal carriage or pedicabs.**

(a) Six (6) pedal carriage or pedicabs shall be the cap placed upon the issuance of permits for the first year, which thereafter may be changed by the Transportation Board pending a need assessment analysis developed by the planning office, and traffic study developed by the traffic engineer.

(b) The Transportation Board may prescribe by rule the process by which the number of pedal carriage or pedicabs that each pedal carriage or pedicab business can register is determined, consistent with the caps specified in subsections (a) and (b) of this section, including but not limited to, the procedures for the initial application and issuance of pedal carriage or pedicab business licenses. Such selection process may consider whether the applicant has, prior to the enactment of this article, owned or operated a pedal carriage or pedicab and give priority to applicants who can provide proof of such previous ownership or operation of a pedal carriage or pedicab.

**Sec. 35-244 Issuance of pedal carriage or pedicab operating permit.**

(a) A pedal carriage or pedicab permit shall be issued only to a person who meets all the requirements of this article and any rules promulgated by the Taxi Board to effectuate the purposes of this article.

(b) A pedal carriage or pedicab permit shall be valid only for the person in whose name it is issued.

(c) The Transportation Board may refuse to issue to a pedal carriage or pedicab owner a pedal carriage or pedicab permit or to renew a pedal carriage or pedicab permit to a pedal carriage or pedicab owner based upon a determination that such applicant has engaged in conduct that would constitute a basis for the suspension or revocation of the permit.

(d) A pedal carriage or pedicab permit shall not be transferred or sold. The Transportation Board shall promulgate rules as to whether, and the extent to which, a pedal carriage or pedicab permit remains valid after any change in the beneficial ownership of a pedal carriage or pedicab business, including, without limitation, any such change resulting from a direct or indirect, voluntary or involuntary, sale or transfer of a beneficial ownership interest.

**Sec. 35-245. Insurance required; Financial Responsibility.**

(a) Before any pedal carriage or pedicab permit shall be issued by the Transportation 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 Transportation Board evidencing insurance coverage as required in this section.

(b) Insurance coverage as provided in subsection (a) of this section mean 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 (1) million dollars per pedal carriage, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty days written notice to the Transportation Board. The pedal carriage or pedicab business shall notify the Transportation Board of any modification, amendment, cancellation or substitution of any insurance policy required under this section within fourteen (14) days of the date of the notice to the pedal carriage or pedicab business of such modification, amendment, cancellation or substitution. If the policy of insurance required by this section lapses for any reason, the permit issued shall become void for such pedal carriage or pedicab business.

**Sec. 35-246. Required equipment of pedal carriage or pedicabs.**

(a) Each pedal carriage or pedicab operated in the City shall be equipped with the following features:

- (1) three (3) or more wheels;
- (2) a unibody frame for the entire vehicle;
- (3) seating for no more than three (3) passengers;
- (4) hydraulic or mechanical disc or drum brakes, which are unaffected by rain or wet conditions;
- (5) a secondary or emergency brake system;

- (6) battery-operated headlights capable of projecting a beam of light for a distance of three hundred (300) feet;
- (7) battery-operated taillights which are visible from five hundred (500) feet;
- (8) turn lights;
- (9) passenger seat belts;
- (10) an audible signaling device;
- (11) reflectors on the spokes of the wheels of the pedal carriage or pedicab;
- (12) a timer, of a type approved by the Taxi Inspector, affixed within clear view of passengers, if the rate charged is based on period of use;
- (13) a sign attached to the interior of the pedal carriage or pedicab within view of passengers indicating the name and telephone number of the pedal carriage or pedicab business, the pedal carriage or pedicab's registration number and a telephone number that can be used to direct consumer complaints about such pedal carriage or pedicab to the department;
- (14) each pedal carriage or pedicab must be equipped with a regulation size reflective slow moving triangle; and
- (15) a sign conspicuously posted on the exterior of the pedal carriage or pedicab indicating the amount to be charged for the use of the pedal carriage or pedicab or the basis for calculating such amount.
  - A. The maximum width of a pedal carriage or pedicab shall be fifty-five (55) inches and the maximum length of a pedal carriage or pedicab shall be ten (10) feet.
  - B. It shall be unlawful for a pedal carriage or pedicab business to operate or authorize the operation of, or for a pedal carriage or pedicab driver to operate, a pedal carriage or pedicab that does not comply with the requirements of this section.

**Sec. 35-247. Pedal carriage or pedicab registration plate.**

- (a) It shall be unlawful for a pedal carriage or pedicab business to operate or authorize the operation of, or for a pedal carriage or pedicab driver to operate, a pedal carriage or pedicab unless:
  - (1) the pedal carriage or pedicab has been inspected by the Transportation Inspector's Office;
  - (2) the pedal carriage or pedicab has been issued a registration plate that indicates on such plate, or by a replaceable

registration tag or decal, the expiration date of the current registration; and

- (3) such registration is in effect.
- (b) The registration shall be valid for a period no longer than one (1) year and the expiration date of such registration plate or replaceable registration tag or decal shall be a date specified by the Transportation Board by rule.
- (c) Such registration plate shall be securely affixed by the department to a conspicuous and indispensable part of each pedal carriage or pedicab.
- (d) The registration plate and the replaceable registration tag or decal shall be of such material, form, design and dimension and set forth such distinguishing number or other identification marks as the Transportation Board shall prescribe.
- (e) A pedal carriage or pedicab business shall pay an additional ten dollars (\$10.00) as the re-inspection fee for any pedal carriage or pedicab that is determined upon inspection not to meet the requirements of this section and such business re-applies for a registration plate or replaceable registration tag or decal.

**Sec. 35-248. Records.**

Every pedal carriage or pedicab business shall maintain such records related to the ownership and operation of its pedal carriage or pedicabs as the Transportation Board may prescribe by rule. Such records shall be made available for inspection by the Transportation Board at his or her request at either the offices of the pedal carriage or pedicab business or at the offices of the department.

**Sec. 35-249. Pedal carriage or pedicab driver license.**

- (a) It shall be unlawful for a pedal carriage or pedicab driver to operate a pedal carriage or pedicab unless the pedal carriage or pedicab driver shall have first obtained a pedal carriage or pedicab driver license from the Chattanooga Police Department Regulatory Bureau Transportation Inspector's office.
- (b) It shall be unlawful for a pedal carriage or pedicab business to permit the operation of any pedal carriage or pedicabs owned by it by a person who does not have a pedal carriage or pedicab driver license and a motor vehicle driver's license in full force and effect.
- (c) In order to obtain or renew a pedal carriage or pedicab driver license, a pedal carriage or pedicab driver shall file an application with the Chattanooga Police Department Regulatory Bureau Transportation Inspector's office for such pedal carriage or pedicab driver license. Such application shall be made upon such

form as prescribed by the Transportation Board and Inspector and shall contain such information as the Transportation Board or Inspector may require to establish the applicant's eligibility for a pedal carriage or pedicab driver license under this article. An application for a pedal carriage or pedicab driver permit and payment of a fee of Ten (\$10.00) Dollars shall be filed with the Transportation Board and shall state or contain the following information:

- (1) the applicant is at least eighteen (18) years of age;
  - (2) the applicant possesses a currently valid motor vehicle driver's license;
  - (3) the applicant does not have his or her State of Tennessee motor vehicle driver's license suspended or revoked; and
  - (4) include a statement from a licensed medical 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 pedal carriage or pedicab.
- (d) The Transportation Board may refuse to allow a pedal carriage or pedicab driver license or to renew such a license based upon a determination that such pedal carriage or pedicab driver has engaged in conduct which would constitute a basis for the suspension or revocation of a pedal carriage or pedicab driver license.
- (e) The Transportation Inspector shall conduct an investigation of each applicant for a pedal carriage or pedicab driver's license. 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 consideration of the Transportation Board.
- (f) A pedal carriage or pedicab driver license shall be valid for a term of one (1) year. There shall be an annual renewal fee due in the amount of Ten (\$10.00) Dollars.

**Sec. 35-250. Display of pedal carriage or pedicab driver's identification.**

- (a) The Transportation Board shall provide a photo identification card to each pedal carriage or pedicab driver who has obtained a pedal carriage or pedicab driver license. Such photo identification card shall include the license number of such pedal carriage or pedicab driver license and the motor vehicle driver's license number of such pedal carriage or pedicab driver, as well as the issuing state of such motor vehicle driver's license.

(b) The pedal carriage or pedicab driver shall wear such photo identification card so that it is visible to passengers and enforcement officers when such pedal carriage or pedicab driver is operating a pedal carriage or pedicab. A copy of such photo identification card shall also be displayed inside any pedal carriage or pedicab under the control of such driver in a manner clearly visible to the passengers of such pedal carriage or pedicab.

**Sec. 35-251. Restrictions on the operation of pedal carriage or pedicabs.**

(a) A pedal carriage or pedicab driver shall be subject to all provisions of state and local law governing the operation of a bicycle, which include, but are not limited to, provisions of the vehicle and traffic law, the Chattanooga City Code, and rules of the City promulgated by the Chattanooga Police Department Regulatory Bureau Transportation Inspector's office or the department of parks and recreation.

(b) A pedal carriage or pedicab driver shall not:

- (1) operate a pedal carriage or pedicab to transport more than three (3) passengers.
- (2) operate a pedal carriage or pedicab in motion while a passenger is standing in such pedal carriage or pedicab.
- (3) operate a pedal carriage or pedicab on any bridge or in any tunnel or in any bicycle lane.
- (4) permit a pedal carriage or pedicab to be operated simultaneously by anyone in addition to him or herself.
- (5) operate a pedal carriage or pedicab that is designed or constructed to permit propulsion by more than one (1) individual at any one time.
- (6) operate a pedal carriage or pedicab while such pedal carriage or pedicab driver's ability to operate such pedal carriage or pedicab is impaired by the consumption of alcohol, the use of any drug or by any other means or while such pedal carriage or pedicab driver is in an intoxicated condition. A pedal carriage or pedicab driver operating a pedal carriage or pedicab which has been involved in an accident or has been operated in violation of this section shall be deemed to have given consent to a breath test and shall, at the request of a police officer, submit to a breath test to be administered by the police officer. Failure to submit to such breath test shall serve as the basis for an immediate suspension of the pedal carriage or pedicab driver's license, subject to a prompt post-suspension hearing.

- (7) operate a pedal carriage or pedicab without a currently valid motor vehicle driver's license or while such pedal carriage or pedicab driver's State of Tennessee motor vehicle driver's license is suspended or revoked.
- (c) Pedal carriage or pedicabs can be operated within any public park or any property under the charge or control of the Department of Parks and Recreation pursuant to the rules of the Department of Parks and Recreation and in accordance with the rules of the Chattanooga Police Department Regulatory Bureau Transportation Inspector's office.
- (d) A pedal carriage or pedicab business shall submit to the Taxi Inspector, upon such form prescribed by the Transportation Inspector, a written report of every accident relating to a pedal carriage or pedicab by such pedal carriage or pedicab business within twenty-four (24) hours after the occurrence of such accident. Such form shall be signed by a principal or officer of such pedal carriage or pedicab business as well as by the pedal carriage or pedicab driver involved in such accident with an affirmation of the truth of the contents of the form.
- (e) If there are exigent circumstances and a police officer or other authorized officer or employee of any City agency directs a pedal carriage or pedicab driver to move his or her pedal carriage or pedicab from any street, avenue or other location, such pedal carriage or pedicab driver shall not operate his or her pedal carriage or pedicab at such street, avenue or location for the duration of such exigent circumstances. For the purposes of this subsection, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, an accident, fire or other emergency, a parade, demonstration or other such event at or near such location.
- (f) If there are exceptional circumstances, the Transportation Inspector, in consultation with law enforcement official or firefighters', Traffic Engineer's Office or other appropriate officials, shall be authorized, upon notice, to restrict or prohibit any pedal carriage or pedicab driver from operating his or her pedal carriage or pedicab on any street, avenue or other location for a specified period of time. Such specified period of time shall not exceed fourteen (14) days. For the purposes of this section, exceptional circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, a parade, or other such event or occurrence at or near such location.

(g) Every affected community board may, at any time subsequent to enactment of this local law, conduct public hearings hereon and submit written recommendations to the department of consumer affairs, the department of transportation, the police department and the council. Such recommendations may include, but not be limited to, methods to address any impact this law may have on such community with respect to pedestrian and vehicle traffic flow.

**Sec. 35-252. Rates of pedal carriage or pedicabs.**

(a) The basis for calculating the amount of the charge for the use of a pedal carriage or pedicab shall be displayed on the pedal carriage or pedicab at all times.

(b) It shall be unlawful for a pedal carriage or pedicab driver to charge a passenger more than the amount or rate displayed on the pedal carriage or pedicab. The Transportation Board shall have authority to set the maximum rates for pedal carriages or pedicabs if a pedal carriage or pedicab charges passengers more than the amount or rate displayed on the pedal carriage or pedicab.

(c) The pedal carriage or pedicab driver shall provide passengers with a receipt listing the amount of the charge for the use of the pedal carriage or pedicab, the license number of the pedal carriage or pedicab business and a telephone number of such business to which complaints by consumers shall be directed, the pedal carriage or pedicab driver's license number and the telephone number at the department where complaints by consumers can be reported.

**Sec. 35-253. Denial of license of renewal, suspension and revocation.**

(a) In addition to any of the powers that may be exercised by the Transportation Board pursuant to this section or any section of this article, after due notice and an opportunity to be heard, may suspend or revoke a pedal carriage or pedicab business license upon the occurrence of any one or more of the following conditions:

- (1) the occurrence of fraud, misrepresentation, or false statements contained in the application for such license;
- (2) the operation of a pedal carriage or pedicab, owned by the pedal carriage or pedicab business, by a pedal carriage or pedicab driver who does not have in full force and effect a pedal carriage or pedicab driver license and a motor vehicle driver's license;

- (3) the operation of a pedal carriage or pedicab, owned by the pedal carriage or pedicab business, that has not been inspected or that does not have affixed to it a registration plate or replaceable registration tag or decal as required; or
  - (4) violation by a pedal carriage or pedicab business of any of the provisions of this article, rules promulgated pursuant to this article, or any other law applicable to the operation of a pedal carriage or pedicab business.
  - (5) the operation of a pedal carriage or pedicab that has not been inspected or that does not have affixed to it a registration plate or replaceable registration tag or decal as required by this chapter; or
  - (6) the violation by a pedal carriage or pedicab driver of any of the provisions of chapter.
  - (7) Any pedal carriage or pedicab business that has been found, or pedal carriage or pedicab driver who has been found, to have committed at least three (3) violations of this article within any twelve (12) month period shall have its, his or her license or operational permit suspended by the Taxi Board for a period of not less than three (3) months.
  - (8) A pedal carriage or pedicab business that, or pedal carriage or pedicab driver who, has had its, his or her license revoked, in accordance with this section may not apply for a new license or operational permit for three years from the date of revocation.
- (b) Notwithstanding, upon the occurrence of any of the conditions set forth in subsection (a), if the Taxi Board determines that continued possession by a pedal carriage or pedicab owner of a pedal carriage or pedicab business license would pose an exigent danger to the public, the Transportation Board may suspend or revoke such pedal carriage or pedicab business license or operational permit, subject to a prompt post-suspension or revocation hearing.

**Sec. 35-254. Failure to display pedal carriage or pedicab registration or pedal carriage or pedicab driver's license.**

- (a) In any civil, criminal or administrative action or proceeding, the failure to display the registration tag or decal on the pedal carriage or pedicab on which it is required to be displayed as provided shall be presumptive evidence that such pedal carriage or pedicab has not been inspected and is not duly registered as required by this subchapter.

(b) In any civil, criminal or administrative action or proceeding, the failure by a pedal carriage or pedicab driver who is required to be licensed and permitted pursuant to the provisions of this article to display or to exhibit on demand such pedal carriage or pedicab driver's license and permit in accordance with the provisions of this article to any officer or employee authorized to enforce the provisions of this article, shall be presumptive evidence that such pedal carriage or pedicab driver is not duly licensed or properly permitted.

**Sec. 35-255. Enforcement.**

The Transportation Inspector and all police officers of the Chattanooga Police Department shall have the power to enforce any provision of this article or any rule or regulation promulgated pursuant to this article.

**Sec. 35-257. Rules.**

(a) The Transportation Board may make and promulgate such rules and prescribe such forms as are necessary to carry out the provisions of this article.

(b) Any pedal carriage or pedicab must stay at least ten (10) feet from any horse drawn carriage.

**Sec. 35-258. Reporting.**

Eighteen (18) months after the local law that added this article, the Transportation Board, in consultation with the Transportation Inspector, the Police Department and the Traffic Engineers office, shall submit a report to the Mayor and the Chairman of the Council regarding the effectiveness of these regulations at ensuring the safety of pedal carriage or pedicab consumers and minimizing the effects of pedal carriage or pedicabs on traffic and congestion. Such report shall include, among other things, the number of pedal carriage or pedicab business licenses issued, the number of pedal carriage or pedicabs that have registered, and the number of traffic accidents involving pedal carriage or pedicabs.

**Sec. 35-259. Operation of Pedal carriage or pedicabs; Pedal carriage or pedicabs Using Sidewalks or Public Parks.**

(a) A pedal carriage or pedicab shall not block, stand or park on any sidewalk at any time.

(b) A pedal carriage or pedicab shall not be driven or operated on or over any portion of any sidewalk except as necessary to proceed through an intersection.

(c) A pedal carriage or pedicab shall not be driven or operated on or in any public park.

(d) It shall be unlawful for any person to wash or cause to be washed any pedal carriage or pedicab on any street or sidewalk in the city.

**Sec. 35-260. Manufacturers' Certificate.**

The owner of the pedal carriage or pedicab business shall provide the Taxi Board, for each pedal carriage or pedicab that will be used in the business operation, a certificate provided by the manufacturer showing that the pedal carriage or pedicab is designed for commercial use.

**Sec. 35-261-35-269. Reserved.**

**DIVISION 3. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES (SEGWAYS)**

**Sec. 35-270. Definitions.**

*Electric personal assistive mobility device* or "EPAMD" or segway means a self-balancing, two (2) non-tandem wheeled device, designed to transport only one (1) person, with an electric propulsion system with average power of seven hundred fifty (750) watts or one horse power (1 hp.), whose maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy pounds (170 lbs.), is less than twenty miles per hour (20 mph). Notwithstanding any other provision of law to the contrary, an EPAMD shall not be considered to be a "vehicle," "motor vehicle," "passenger motor vehicle," "passenger car," "motorcycle," "motorized bicycle," "motor bicycle," "motor-driven cycle," "motor scooter" or "all-terrain vehicle" within the meaning of the laws of this state and no provisions of law relating to vehicles, motor vehicles, passenger motor vehicles, passenger cars, motorcycles, motorized bicycles, motor bicycles, motor-driven cycles, motor scooters or all-terrain vehicles shall apply to EPAMDs unless specified in this chapter, including, but not limited to, any provisions of chapter 12, part 1 of this title and any provisions of law relating to motor vehicle registration, licensing, operation or equipment.

*Permit* for the purposes of this Division shall mean a permit to operate EPAMDs to transport passengers for hire.

**Sec. 35-271. Regulation of EPAMDs.**

(a) The regulation and operation of EPAMDs shall be governed exclusively by the provisions of this chapter.

**Sec. 35-272. Operation.**

(a) Nothing in this chapter or in any other law of this state shall be construed to limit the operation of an EPAMD on the public highways, sidewalks, bike trails and bicycle routes of this state except as otherwise set forth in this chapter.

(b) A person operating an EPAMD shall obey all speed limits for motor vehicles and shall yield the right-of-way to pedestrians and human powered devices at all times.

(c) Notwithstanding any other provision of this chapter to the contrary, the department of transportation shall have the authority to regulate or prohibit the operation of EPAMDs on any highway within its jurisdiction if it determines that such regulation or prohibition is necessary in the interest of public safety. **T.C.A55-53-104.**

**Sec. 35-273. EPAMDs; Permit required to transport passengers for hire.**

No person shall operate or permit an EPAMD(s) on the streets, roads, public highways, parks or public places of the City of Chattanooga as regulated by this Chapter without having first obtained a certificate of public convenience and necessity from the Transportation Board.

**Sec. 35-274. Application.**

(a) An application for a certificate of public convenience and necessity to operate a an EPAMD(s) on the streets, roads, public highways, parks or public places of the City of Chattanooga as to transport passengers for hire or business to shall be filed with the Transportation Board upon forms provided by the Transportation Inspector(s) and upon the payment of a nonrefundable fee of one hundred dollars (\$100.00) plus fifty dollars (\$50.00) per EPAMD. A renewal application and a fee of fifty (\$50.00) plus ten dollars (\$10.00) for each EPAMD(s) 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.
  - (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 EPAMD(s) and their make and year models to be operated or controlled by the applicant and the location of proposed depots and terminals.
  - (7) Whether or not the applicant has been convicted of a felony within three (3) years.
  - (8) Such further information as the Transportation Board may require.
- (b) The application to operate EPAMD(s) shall state the number of EPAMDs that shall be made available to transport passengers for hire.
  - (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.

**Sec. 35-275. Public hearing.**

Upon the filing of an application for a certificate of public convenience and necessity and/or a request for additional permits to operate EPAMD(s) to transport passengers for hire, the Transportation 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 Transportation Board a memorandum in support of or opposition to the issuance of a certificate of public convenience or a request for additional permits. The Transportation Board may call special meetings for the consideration of new certificates of public convenience and necessity and/or applications. The Transportation Board shall adopt procedures to govern the consideration of such applications.

**Sec. 35-276. Issuance.**

(a) If the Transportation Board finds that an applicant is qualified to operate EPAMD(s) to transport passengers for hire, and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this article, the Transportation 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 Transportation 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.

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

**Sec. 35-277. Proof of financial responsibility required.**

No certificate of public convenience and necessity shall be issued or continued in operation of EPAMD(s) under this Chapter 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 owner and operator of EPAMD(s) or as

required by the Transportation Board. 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 laws of the State of Tennessee or the Transportation Board. Proof of financial responsibility shall be filed with the Transportation Board and 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.

**Sec. 35-278. Insurance; Financial Responsibility.**

(a) Before any certificate shall be issued by the Transportation Board or before the renewal of such certificate shall be granted under this Division, the applicant shall be required to file an insurance policy and/or certificate of insurance with the Transportation Board or evidencing insurance coverage as required in this section. The operator of EPAMD(s) shall notify the Transportation Board of any modification, amendment, cancellation or substitution of any insurance policy required under this section within fourteen (14) days of the date of the notice to the pedal carriage or pedicab business of such modification, amendment, cancellation or substitution. If the policy of insurance required by this section lapses for any reason, the permit issued shall become void for such pedal carriage or pedicab business.

**Sec. 35-279. Stoppage system; illumination and visibility**

An EPAMD shall be equipped with a system that when employed will enable the operator to bring the device to a controlled stop and, if the EPAMD is operated between one half ( 1/2 ) hour after sunset and one half ( 1/2 ) hour before sunrise, front, rear and side reflectors and a lamp emitting a white light which, while the EPAMD is in motion, illuminates the area in front of the operator and is visible from a distance of three hundred feet (300') in front of and from the sides of the EPAMD; provided, however, that the provisions of this section requiring the use of reflectors and a lamp during the period between one half ( 1/2 ) hour after sunset and one half ( 1/2 ) hour before sunrise shall be deemed to be satisfied if the operator of the EPAMD wears a personal headlight and reflectors.

**State law reference T.C.A. § 55-53-103.**

**Sec. 35-280. Transfer.**

No certificate of public convenience and necessity to operate EPAMD(s) may be sold, assigned, mortgaged or otherwise transferred, nor there 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 Transportation 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 granted a certificate by the Transportation Board providing they are otherwise qualified for the certificate.

**Sec. 35-281. 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 Transportation Board if the permit 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 found to be excessive by the Transportation Board.

(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 actions of the Transportation Board at such hearing shall be final subject to review at law.

**Sec. 35-282. Restrictions on use.**

Notwithstanding any other provisions of this Chapter to the contrary, the Police Chief or Traffic Engineer may restrict, limit or exclude the operation of EPAMDs if necessary in the interest of public safety or in the interest of the preservation of natural areas, public or private property or historic sites to the same extent as bicycles are restricted, limited or excluded.

SECTION 42. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately after its passage.

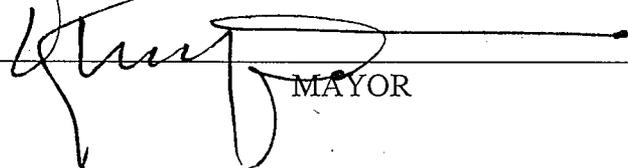
PASSED on Second and Final Reading

March 18, 2008.

  
\_\_\_\_\_  
CHAIRPERSON

APPROVED:  DISAPPROVED:

DATE: March 24, 2008

  
\_\_\_\_\_  
MAYOR

KOF/add