

CHAPTER 3

TAXICABS¹

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9-401. Taxicab board. There is hereby created and established a taxicab board composed of three (3) members to be appointed by the mayor. The taxicab board is vested with full power and authority to issue the taxicab franchises herein provided for and is given full power and authority to administer and enforce this chapter. The taxicab board members shall be appointed for a term not exceeding that for which the mayor is elected, and said members shall serve until their successors are duly appointed and qualified. No person shall be eligible for, or appointed to, the taxicab board who is engaged in the practice of law, or who is directly or indirectly interested in the sale of automobiles, gas, oil, tires or auto accessories. The members of the taxicab board shall be residents of Brownsville, Tennessee. (1983 code, 5-401)

¹ Municipal code reference
Privilege tax provisions, etc.: title 5.

9-402. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license. (1983 code, 5-402)

9-403. Requirements as to application and hearing. No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the taxicab board. The application shall state the name and address of the applicant, the name and address of the proposed place of business, the number of cabs the applicant desires to operate, the makes and models of said cabs, and such other pertinent information as the board may require. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. Within ten (10) days after receipt of an application the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the taxicab board; and make a recommendation to either grant or refuse a franchise to the applicant. The taxicab board shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise the taxicab board shall consider the public need for additional service, the increased traffic congestion, parking space requirements, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional taxicab franchise.

Each application for a taxicab franchise under the provisions of this chapter shall be accompanied with an application fee of twenty-five and no/100 dollars (\$25.00), such fee to cover the cost of investigating said applicant, the cost of inspection and otherwise administering, enforcing and carrying out the provisions of this chapter.

Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. (1983 code, 5-403)

9-404. Form of franchise. Any franchise issued under the provisions of this chapter shall specify the name and address of the person to whom such franchise is granted, the date issued, the service to be performed and the number and character of the taxicabs which the person holding such franchise is authorized to use in such service. (1983 code, 5-404)

9-405. Transfer of franchise. No franchise issued under the provisions of this chapter shall be sold, transferred, assigned, leased or otherwise disposed of without the consent in writing of the taxicab board, and then only if the board shall be of the opinion that the purchaser or future operator thereof is in all respects qualified under the provisions of this chapter to conduct the business and render the service for which the franchise was originally issued. (1983 code, 5-405)

9-406. Revocation or suspension of franchise. The taxicabs board, after a public hearing, may revoke or suspend any taxicab franchise for misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1983 code, 5-406)

9-407. Liability insurance required. No taxicab franchise, shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of one hundred thousand dollars (\$100,000.00) for bodily injury or death to any one person, three hundred thousand dollar (\$300,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and fifty thousand dollars (\$50,000.00) for property damage resulting from any one accident. The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the city clerk of the municipality. (1983 code, 5-407)

9-408. Vehicles to be marked. All taxicabs operated under the provisions of this chapter shall be numbered consecutively and shall have such number and the owner's name plainly and legibly painted thereon. (1983 code, 5-408)

9-409. Mechanical condition of vehicles. It shall be unlawful for any taxicab to operate in the municipality unless it is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1983 code, 5-409)

9-410. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1983 code, 5-410)

9-411. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc.

Each person holding a taxicab franchise shall pay to the City of Brownsville, Tennessee, annually a fee of ten and no/100 dollars (\$10.00) per taxicab authorized to be operated hereunder, such fee to cover or be applied toward the cost of inspection and otherwise administering, enforcing and carrying out the provisions of this chapter (1983 code, 5-411)

9-412. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1983 code, 5-412)

9-413. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the taxicab board:

- (1) Makes written application to the taxicab board.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1983 code, 5-413)

9-414 Revocation or suspension of driver's permit. The taxicab board, after a public hearing, may revoke or suspend any taxicab driver's permit for traffic violations or violations of this chapter. (1983 code, 5-414)

9-415. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1983 code, 5-415)

9-416. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1983 code, 5-416)

9-417. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1983 code, 5-417)

9-418. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business or purpose. (1983 code, 5-418)

9-419. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1983 code, 5-419)

9-420. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1983 code, 5-420)

9-421. Appeals to board of mayor and alderman. Any person aggrieved by the action of the taxicab board in denying an application for a taxicab franchise or driver's permit or in revoking such a franchise or permit shall have the right to appeal to the board of mayor and aldermen within ten (10) days after the action involved. (1983 code, 5-421)