

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.**<sup>1</sup>**CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, SOLICITORS, ETC.
3. TAXICABS.

**CHAPTER 1****MISCELLANEOUS****SECTION**

9-101. "Going out of business" sales.

**9-101. "Going out of business" sales.** It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person after advertising a "going out of business" sale adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (2005 Code, § 9-101)

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<sup>1</sup>Municipal code references

Building, plumbing, wiring, and residential regulations: title 12.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

## CHAPTER 2

### PEDDLERS, SOLICITORS, ETC.<sup>1</sup>

#### SECTION

- 9-201. Definitions.
- 9-202. Exemptions.
- 9-203. Permit required.
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- 9-205. Restrictions on peddlers, street barkers, and solicitors.
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- 9-210. Solicitations on public streets.
- 9-211. Prevention of congestion and promotion of safety.
- 9-212. Common theme and advancement of purpose.
- 9-213. Violations and penalty.

**9-201. Definitions.** Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm, or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm, or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for religious purposes" means any person, firm, corporation, or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place, or from street to street, for any religious organization, and who does not sell or offer to sell any single item at a cost to the purchaser in excess of ten

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<sup>1</sup>Municipal code references

Privilege taxes: title 5.

Trespass by peddlers, etc.: § 11-801.

dollars (\$10.00). No organization shall qualify as a "religious" organization unless the organization meets one of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of United Way, Community Chest or similar "umbrella" organizations for religious organizations.

(c) Has been in continued existence as a religious organization in Marion County for a period of two (2) years prior to the date of its application for registration under this chapter.

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

(6) "Transient vendor<sup>1</sup>" means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. "Transient vendor" does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, §§ 62-30-101, *et seq.* contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from *Tennessee Code Annotated*, § 62-30-101(3). Note also that *Tennessee Code Annotated*, § 67-4-709(a) prescribes that transient vendors shall pay a tax of fifty dollars (\$50.00) for each fourteen (14) day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in *Tennessee Code Annotated*, § 67-4-709(b).

premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months. (2005 Code, § 9-201, modified)

**9-202. Exemptions.** The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (2005 Code, § 9-202)

**9-203. Permit required.** No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter. (2005 Code, § 9-203)

**9-204. Permit procedure.** (1) Application form. A sworn application containing the following information shall be completed and filed with the city administrator by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for religious purposes or as a solicitor for subscriptions:

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

(c) The dates for which the applicant intends to do business or make solicitations.

(d) The names and permanent addresses of each person who will make sales or solicitations within the city.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee State sales tax number, if applicable.

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of twenty dollars (\$20.00). There shall be no fee for an application for a permit as a solicitor for subscriptions.

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the city administrator shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city administrator, the city

administrator shall submit to the chief of police a copy of the application form and the permit. (2005 Code, § 9-204, modified)

**9-205. Restrictions on peddlers, street barkers, and solicitors.** No peddler, street barker, solicitor, or solicitor for subscriptions shall:

- (1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city;
- (2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic;
- (3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind;
- (4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city; and
- (5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located. (2005 Code, § 9-205, modified)

**9-206. Restrictions on transient vendors.** A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares, or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth. (2005 Code, § 9-206)

**9-207. Display of permit.** Each peddler, street barker, solicitor, or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. (2005 Code, § 9-207, modified)

**9-208. Suspension or revocation of permit.** (1) Suspension by the city administrator. The permit issued to any person or organization under this chapter may be suspended by the city administrator for any of the following causes:

- (a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or
- (b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and commissioners. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and commissioners, after notice and hearing, for the same causes set out in subsection (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city administrator in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (2005 Code, § 9-208)

**9-209. Expiration and renewal of permit.** The permit of peddlers, solicitors, and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days. (2005 Code, § 9-209, modified)

**9-210. Solicitations on public streets.** Roadblocks for solicitation shall be subject to the following conditions.

(1) Persons wishing to solicit contributions on public streets shall first obtain a permit from the city administrator. No more than one (1) permit shall be issued at a time. There shall be no charge for such permit.

(2) All parties involved in soliciting contributions shall wear a fluorescent vest or other clothing approved by the board.

(3) Persons under eighteen (18) years of age shall be accompanied by an adult.

(4) Police officers may stop persons who are soliciting in violation of this section.

(5) Violations of this section shall be punishable under the general penalty clause of this municipal code. (2005 Code, § 9-210)

**9-211. Prevention of congestion and promotion of safety.** No peddler, street barker, or solicitor for subscriptions shall be permitted to operate in a congested area where such operation might impede, inconvenience, endanger or detrimentally affect the health, morals, comfort, safety, convenience and welfare of the public. For the purpose of this section, the objective judgment of the city administrator exercised in good faith, shall be deemed conclusive as to whether the area is congested and the safety of the public impeded,

inconvenienced, endangered or detrimentally affected. (2005 Code, § 9-211, modified)

**9-212. Common theme and advancement of purpose.** In order to advance a common theme and/or to promote the underlying purpose of a recognized festival or parade days in the city, the city shall regulate the goods, wares and/or merchandise sold by peddlers, street barkers, solicitors, or solicitors for subscriptions to prevent an overabundance of pedestrian or vehicular traffic at such festival or parade days so as to protect the health, morals, security, and general welfare of the citizens of the city and those attending such festival or parade days. In making decisions regarding the issuance of permits, the city administrator may take into account the number of such peddlers, street barkers, solicitors, or solicitors for subscriptions, and the types of goods, wares and/or merchandise to be sold in order to prevent an overabundance of the same type of goods, wares and/or merchandise being sold and to promote a variety of goods, wares and/or merchandise sold in order to appeal to a wider segment of the citizenry, thereby increasing the likelihood that a wider segment of the citizenry will attend such recognized festivals or parade days within the city, to promote the integrity and theme of such festival or parade days thereby promoting the general welfare of the citizens of the City of South Pittsburg, Tennessee. For the purpose of this section, the objective judgment of the city administrator, exercised in good faith, in deciding upon the issuance of permits, shall be deemed conclusive in the regulation of goods, wares and/or merchandise to prevent an overabundance of like kind goods, wares and/or merchandise being sold at recognized festivals or parade days in the city. (2005 Code, § 9-212, modified)

**9-213. Violations and penalty.** In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable according to the general penalty provision of this municipal code of ordinances. (2005 Code, § 9-213)

**CHAPTER 3****TAXICABS****SECTION**

- 9-301. Definitions.
- 9-302. Certificate of public convenience and necessity required.
- 9-303. Application for certificate.
- 9-304. Public hearing.
- 9-305. Liability insurance required.
- 9-306. License fees and permit fees for certificates.
- 9-307. Transfer of certificates.
- 9-308. Suspension and revocation of certificates.
- 9-309. Taxicab driver's license.
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- 9-311. Consideration of application.
- 9-312. Issuance of license; duration; annual fee.
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- 9-318. Designation of taxicabs.
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- 9-325. Prohibition of drivers.
- 9-326. Prohibition of passengers.
- 9-327. Open stands; establishment; use.
- 9-328. Call box stands; establishment; use.
- 9-329. Prohibition of other vehicles.
- 9-330. Taxicab service.
- 9-331. Manifests.
- 9-332. Accidents.
- 9-333. Police department; duty to enforce chapter.
- 9-334. Waiver of search warrant for search of taxicabs.

**9-301. Definitions.** The following words and phrases when used in this chapter have the meanings as set out herein:

(1) "Board" means the Board of Mayor and Commissioners of the City of South Pittsburg, Tennessee.



(2) "Call box stand" means a place alongside a street, or where the city recorder has authorized a holder of a certificate of public convenience and necessity to install a telephone or call box for taking calls and the dispatching of taxicabs.

(3) "Certificate" means a certificate of public convenience and necessity issued by the city recorder, authorizing the holder thereof to conduct a taxicab business in the city.

(4) "City" means the City of South Pittsburg, Tennessee.

(5) "Cruising" means the driving of a taxicab on the streets, alleys, or public places of the city in search of, or soliciting prospective passengers for hire.

(6) "Driver's license" means the permission granted by the city recorder to a person to drive a taxicab upon the streets of the city.

(7) "Holder" means a person to whom a certificate of public convenience and necessity has been issued.

(8) "Manifest" means a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

(9) "Open stand" means a public place alongside the curb of a street or elsewhere in the city which has been designated by the city recorder as reserved exclusively for the use of taxicabs.

(10) "Person" includes an individual, a corporation or other legal entity, a partnership, and any unincorporated association.

(11) "Rate card" means a card issued by the city recorder for display in each taxicab which contains the rates of fare then in force.

(12) "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than six (6) persons and not operated on a fixed route.

(13) "Taximeter" means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

(14) "Waiting time" means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger or passengers. (2005 Code, § 9-301)

**9-302. Certificate of public convenience and necessity required.**

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without having first obtained a certificate of public convenience and necessity from the city recorder. (2005 Code, § 9-302)

**9-303. Application for certificate.** An application for a certificate shall be filed with the city recorder upon forms provided by the city. The

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 said 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 a certificate.
- (5) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.
- (6) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.
- (7) Such further information as the city recorder of the city may require. (2005 Code, § 9-303)

**9-304. Public hearing.** Upon the filing of an application for a certificate, the city recorder shall fix a day and hour for a public hearing thereon to be held in his office. Such date shall be not less than five (5) days nor more than ten (10) days after date of filing of the application. Notice of the date and hour of the hearing shall be given to the applicant simultaneously with the filing of the application. Not less than five (5) days notice of the hearing shall be given to all persons to whom certificates have theretofore been issued by the city. Notice shall also be given the general public by posting notice of the date and hour of the hearing in the front window of the city hall on the date the application is filed. At the time of the hearing the city recorder shall examine under oath the applicant, and any witnesses he may offer in his behalf, upon the question of necessity from the standpoint of public welfare and necessity for the issuance of a certificate to applicant and of applicant's fitness and qualifications to receive and hold a certificate under the terms, intents and purposes of this chapter. If persons appear at the hearing to protest the issuance of the certificate, the city recorder shall likewise examine them under oath upon the grounds and reasons of protest. At the hearing, the city recorder shall make a concise summary of the testimony of each person who testifies and cause the same to be signed by such person, and, when so done and completed, the same shall constitute the entire record of the facts of the hearing, and shall remain on file in the city recorder's office. At the conclusion of the hearing, the city recorder shall announce to those in attendance the date and hour of submission of his report upon the hearing to the board. The date of submission of the report to the next regular or special meeting of the board shall not be less than five (5) days after such public hearing. Simultaneously, the city recorder shall post a notice of the date and hour of submission of his report to the board in a front window of the city hall. Within three (3) days thereafter, the city recorder shall prepare in writing his report and recommendations to the board and shall hold the same

on file in his office during regular office hours and open for inspection of same by the applicant, any and all parties protesting, and members of the general public. In his report to the board, the city recorder shall set out:

- (1) The name of the applicant.
- (2) Applicant's fitness and ability to comply with the provisions of this chapter.
- (3) The necessity for such service from the standpoint of the public convenience and welfare.
- (4) The names of the person or persons testifying in applicant's behalf and the names of the person or persons testifying adverse to him.
- (5) The names of any persons not appearing at the hearing but who have filed protests in writing.
- (6) Recommendation as to granting or rejecting of the application.

To this report the city recorder shall attach the factual record made up at the hearing. The applicant, or any person appearing at the hearing in protest of the granting of the application, or any member of the public may file and present in writing exceptions to the report of the city recorder at the meeting of the board to which the same shall be presented. Upon consideration of the report of the city recorder, and any exceptions that may have been filed thereto, the board shall proceed to accept or reject the same and cause its action to be entered in the minutes. If, upon consideration of the report and record presented it, the board finds and orders that the application should be granted, then the city recorder shall issue and deliver to the applicant the certificate herein provided for. (2005 Code, § 9-304)

**9-305. Liability insurance required.** No certificate shall be issued or continued in operation unless there is in full force and effect at all times, an insurance policy issued by some reliable and approved insurance company qualified to do business in the State of Tennessee for each vehicle authorized in the amount of one hundred thirty thousand dollars (\$130,000.00) for bodily injury to any one person; in the amount of three hundred fifty thousand dollars (\$350,000.00) for bodily injury to more than one (1) person which is sustained in the same accident, and fifty thousand dollars (\$50,000.00) for property damage resulting from any one (1) accident. Said insurance 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. Said insurance policy or policies shall be filed in the office of the city recorder. (2005 Code, § 9-305)

**9-306. License fees and permit fees for certificates.** No certificate shall be issued or continued in operation unless the holder has paid the regular annual license required otherwise for operation of a taxicab business and, in addition, paid a special permit fee to the city recorder of one dollar (\$1.00) for each vehicle to be operated hereunder, said permit fee to be in addition to the

regular privilege license, and to be deposited into the general fund by the city recorder. (2005 Code, § 9-306)

**9-307. Transfer of certificates.** No certificate may be sold, assigned, mortgaged, or otherwise transferred without the consent of the board. (2005 Code, § 9-307)

**9-308. Suspension and revocation of certificates.** A certificate issued under the provisions of this chapter may be revoked or suspended by the city recorder if the holder thereof has:

- (1) Violated any of the provisions of this chapter.
- (2) Discontinued operations for more than ten (10) days.
- (3) Has violated any ordinances of the city or the laws of the United States or the State of Tennessee, the violation of which reflect unfavorably on the fitness of the holder to offer public transportation.

Prior to any suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard. (2005 Code, § 9-308)

**9-309. Taxicab driver's license.** No person shall operate a taxicab for hire upon the streets of the city, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the city shall be so driven for hire, unless the driver of said taxicab shall have first obtained and shall have then in force a Class D driver's license with a for-hire endorsement issued by the State of Tennessee and the driver's license hereinafter provided for.<sup>1</sup> (2005 Code, § 9-309)

**9-310. Application for driver's license.** An application for a taxicab driver's license shall be filed with the city recorder on forms provided by the city. Such application shall be verified under oath and shall contain the following information:

- (1) The names and addresses of four (4) residents of the city who have known the applicant for a period of two (2) years and who will vouch for the sobriety, honesty, and general good character of the applicant.
- (2) The experience of the applicant in the transportation of passengers.
- (3) The educational background of the applicant.
- (4) A concise history of his employment.

Each application shall be accompanied by a certificate from a reputable physician of the city certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe and

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 55-50-102.

unsatisfactory driver. At the time the application is filed the applicant shall pay to the city recorder the sum of twenty dollars (\$20.00), which shall be deposited into the general fund. (2005 Code, § 9-310)

**9-311. Consideration of application.** The city recorder, upon consideration of the application and the reports and certificate required to be attached thereto, shall approve or reject the application. If the application is rejected the applicant may request a personal appearance before the board to offer evidence why his application should be reconsidered. (2005 Code, § 9-311)

**9-312. Issuance of license; duration; annual fee.** Upon approval of an application for a taxicab driver's license the city recorder shall issue a license to the applicant which shall bear the name, address, color, age, signature and photograph of the applicant. Such license shall be in effect for the remainder of the calendar year. A license for every calendar year thereafter shall be issued upon the payment of twenty dollars (\$20.00) unless the license for the preceding year has been revoked. (2005 Code, § 9-312)

**9-313. Display of license.** Every driver licensed under this chapter shall post his driver's license in such a place as to be in full view of all passengers while such driver is operating a taxicab. (2005 Code, § 9-313)

**9-314. Suspension and revocation of license.** The city recorder is hereby given the authority to suspend any driver's license issued under this chapter for such driver's failing or refusing to comply with the provisions of this chapter. Such suspension shall last for a period of not more than sixty (60) days. The city recorder is also given authority to revoke any driver's license for failure to comply with the provisions of this chapter. However, a license may not be revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf. (2005 Code, § 9-314)

**9-315. Vehicles must be approved.** Prior to the use and operation of any vehicle under the provisions of this chapter such vehicle shall be thoroughly examined and inspected by the police department and found to comply with such reasonable rules and regulations as may be prescribed by the board. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the board shall deem necessary therefor. When the police department finds that a vehicle has met the standards established by the board, the department shall issue a report to the city recorder to that effect, which report shall also state the authorized seating capacity of the vehicle. (2005 Code, § 9-315)

**9-316. Periodic inspections.** Every vehicle operating under this chapter shall be periodically inspected by members of the police department at

such intervals as shall be established by the direction of the chief of police to insure the continued maintenance of safe operating conditions. (2005 Code, § 9-316)

**9-317. Vehicles must be kept in a clean and sanitary condition.**

Every vehicle operating under this chapter shall be kept in a clean and sanitary condition according to rules and regulations promulgated by the board. (2005 Code, § 9-317)

**9-318. Designation of taxicabs.** Each taxicab shall bear on each side of the outside, in painted letters not less than two inches (2") nor more than four inches (4") in height, the name of the owner and, in addition, may bear an identifying design approved by the city recorder. No vehicle covered by the terms of this chapter shall be licensed when its color scheme, identifying design, monogram, or insignia shall, in the opinion of the city recorder, conflict with or imitate that used on a vehicle or vehicles already operating under this chapter in such a manner as to mislead or tend to deceive or defraud the public. If, after a license and permit or certificate has been issued for a taxicab hereunder, the color scheme, identify such manner as to be misleading or tend to deceive the public, the license, permit, or certificate covering such taxicab or taxicabs shall be suspended or revoked. (2005 Code, § 9-318)

**9-319. Receipts.** The driver of any taxicab shall, upon demand of any passenger, render to such passenger a receipt for the amount charged either by a mechanically printed receipt or by a specially prepared receipt upon which shall be the name of the taxicab owner, the taxicab license number or motor number, the meter reading or charges, and the date of the transportation. (2005 Code, § 9-319)

**9-320. Refusal of passenger to pay legal fare.** It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this chapter after having hired the same. It shall also be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service. (2005 Code, § 9-320)

**9-321. Receipt and discharge of passengers on sidewalk only.** Drivers of taxicabs shall not receive or discharge passengers in the roadway. They shall pull up to the right-hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers. Upon one-way streets, passengers may be discharged at either the right or left-hand sidewalk, or side of the roadway in the absence of a sidewalk. (2005 Code, § 9-321)

**9-322. Additional passengers.** No driver of an engaged taxicab shall permit any other person to occupy or ride in said taxicab, unless the person or persons first employing the taxicab shall consent to the acceptance of such additional passenger or passengers. (2005 Code, § 9-322)

**9-323. Restriction on number of passengers.** No driver shall permit more than five (5) persons to be carried in a taxicab as passengers. A child in arms shall not be counted as a passenger. (2005 Code, § 9-323)

**9-324. Refusal to carry orderly passengers prohibited.** No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so. (2005 Code, § 9-324)

**9-325. Prohibition of drivers.** It shall be a violation of this chapter for any driver of a taxicab to engage in selling or transporting intoxicating liquors or solicit business for any house of ill repute or use his vehicle for any purpose other than the transportation of passengers. (2005 Code, § 9-325)

**9-326. Prohibition of passengers.** It shall be unlawful for the driver of a taxicab to permit any person or persons to stand or sit on any outside part of such vehicle while the same is in motion, and it shall be unlawful for any person to stand or sit on any outside part of such vehicle when the same is in motion. (2005 Code, § 9-326)

**9-327. Open stands; establishment; use.** The board is hereby authorized and empowered to establish open stands in such place or places upon the streets of the city as it deems necessary for the use of taxicabs operated in the city. Said board shall not create an open stand without taking into consideration the need for such stands by the companies and the convenience of the general public. The board shall prescribe the number of taxicabs that shall occupy such open stands. The board shall not create an open stand in front of any place of business where the abutting property owners object to the same or where such stand would tend to create a traffic hazard.

Open stands shall be used by the different drivers on a first come, first served basis. The driver shall pull on to the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five feet (5') of their cabs. They shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this chapter shall be construed as preventing a passenger from boarding the cab of his choice that is parked at open stands. (2005 Code, § 9-327)

**9-328. Call box stands; establishment; use.** The board is hereby authorized and empowered to establish call box stands upon the streets of the

city in such places as in its discretion it deems proper. A holder desiring to establish a call box stand must make written application to the board. The applicant must attach to the application the written approval of the abutting property owners of said space, consenting to the creation of such stand. Upon filing of the application the police department shall make an investigation of the traffic conditions at said place and shall thereafter file their written recommendation with the board. The board shall then either grant or refuse the application. When a call box stand has been established as herein provided, it shall be used solely by the holder to whom the same was granted and his agents and servants and no other holder shall be permitted to use the same. However, no holder shall obtain a permit for more than one (1) such closed stand within the limits of Cedar and Elm Avenues between First (1st) and Seventh (7th) Streets. When the call box stand is in a parking meter area the holder shall pay a rental of ten dollars (\$10.00) per month, in advance.

A holder operating a call box stand as provided for in this chapter shall be allowed to have on duty at such stand a starter or other employee for the purpose of assisting in the loading or unloading of passengers from cabs, for receiving calls and dispatching cabs, and for soliciting passengers at such stand. The words "at such stand" shall mean that part of the sidewalk immediately adjacent to and of equal length with such call box stand. It shall be unlawful for any such starter or other employee to go beyond the area herein designated for the purpose of soliciting passengers or assisting them in boarding such cabs. (2005 Code, § 9-328)

**9-329. Prohibition of other vehicles.** Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established as either open stands or call box stands. (2005 Code, § 9-329)

**9-330. Taxicab service.** All persons engaged in the taxicab business in the city and operating under the provisions of this chapter shall render an over-all service to the public desiring to use taxicabs. Holders of permits or certificates of public convenience and necessity shall maintain a central place of business and keep the same open twenty-four (24) hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of the city as soon as they can do so, and, if said services cannot be rendered within a reasonable time they shall then notify the prospective passengers how long it will be before the said call can be answered and give the reason therefor. Any holder who shall refuse to accept a call anywhere in the corporate limits of the city at any time when such holder has an available cab or cabs, or who shall fail or refuse to give over-all service, shall be deemed a violator of this chapter and the permit or certificate granted to such holder shall be revoked at the discretion of the city recorder. (2005 Code, § 9-330)



**9-331. Manifests.** Every driver shall maintain a daily manifest upon which is recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. All such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for such manifests shall be furnished to the driver by the owner and shall be of a character approved by the city recorder.

Every holder of a permit or certificate of public convenience and necessity shall retain and preserve all driver's manifests in a safe place for at least six (6) months following the date of same, and said manifests shall be available to the police department. (2005 Code, § 9-331)

**9-332. Accidents.** All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person, or in damage to any vehicle or to any property in an amount exceeding the sum of twenty-five dollars (\$25.00) shall be reported within twenty-four (24) hours from the time of occurrence to the police department in a form of report to be furnished by said department. (2005 Code, § 9-332)

**9-333. Police department; duty to enforce chapter.** The police department of the city is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the police department shall report the same to the city recorder who shall then take appropriate action. (2005 Code, § 9-333)

**9-334. Waiver of search warrant for search of taxicabs.** By his application for a certificate, each owner and/or operator of a taxicab, and likewise by his application for a driver's license, each driver, conclusively warrants and guarantees that each and all of the vehicles owned by him or operated and driven by him as taxicabs will not be used in any manner, way, or method, to aid, abet, encourage, or assist in the violation of laws prohibiting pandering, prostitution, or possession, sale, or transportation of intoxicating beverages. To the end that this warranty and guaranty may be effective, any person granted a certificate hereunder, or granted a driver's license hereunder, thereby waives the issuance and service of a search warrant as a condition precedent to the search of his taxicab or any taxicab driven by him, by any member of the police department of the city. He also agrees that, in any criminal prosecution that may follow as a result of such search, he will not plead the lack of a search warrant as a defense. These provisions shall relate only to prosecutions and trial of cases before the city recorder for violations of ordinances of the city. (2005 Code, § 9-334)