



CITY OF DUNWOODY

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MEMORANDUM

To: Honorable Mayor and City Council

From: Warren Hutmacher, City Manager

Date: March 22, 2010

Subject: Vehicle for Hire - Regulation

A few months ago the City Council was considering setting a fee for regulating taxi cab companies doing business in the City of Dunwoody. At that time, staff determined that the fee only applied to vehicles for hire that have a physical base of operation in the City limits. Council asked staff to research best practices and determine if an ordinance change may be appropriate that would allow the City to regulate vehicles for hire that do business in the City but do not locate their principal place of business in the City of Dunwoody.

The City of Dunwoody has a heavy volume of vehicle for hire traffic in the City limits due to our large commercial area (Perimeter Center) and the MARTA station in our city limits. For the safety and welfare of our citizens and others either visiting or doing business in Dunwoody, we are authorized to regulate the vehicle for hire industry.

Based on my research of this issue, it appears that the “best practice” for vehicle for hire regulation is a multi-tiered approach to permitting taxicabs.

A company permit would be issued to businesses housed in Dunwoody that qualify for and hold an occupational tax license. We currently collect an occupation tax for these businesses.

A resident driver’s permit would be issued to taxi cab operators who are employed by businesses housed in Dunwoody that qualify for and hold an occupational tax license. We currently regulate these drivers, although Council has yet to adopt a fee.

I recommend amending our ordinance to allow for the addition of a non-resident operator’s permit. This is a permit that would be required to regulate vehicles for hire that are picking up passengers in the City of Dunwoody, but are not associated with a business located in the City of Dunwoody.

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CITY OF DUNWOODY CODE
OF ORDINANCES BY CHANGING REQUIREMENTS FOR TAXICAB DRIVER
PERMITS; PROVIDING FOR DUE PROCESS**

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody has heretofore adopted an ordinance for Business Occupation Taxes, Licenses and Regulation, as set forth in Chapter 15 of the Code of the City of Dunwoody (the “Code”); and

WHEREAS, Chapter 15 contains certain requirements for taxicab permits that does not include regulations for non-resident drivers and requirements for obtaining permits for same; and

WHEREAS, the City Council has determined it is necessary in order to provide for the safety of taxicab passengers in the City to add requirements for non-resident drivers to obtain permits and to provide regulations for same and to provide for due process for applicants and holders of taxicab business and driver’s permits.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: Article 5 (“Taxicabs”) of Chapter 15 of the City of Dunwoody Code of Ordinances, is hereby deleted and replaced in its entirety to read as follows:

ADDITIONS – underlined

DELETIONS – ~~strikethroughs~~

Article 5: Taxicabs

Section 1: Operation of taxicab to be in compliance with Article.

No person, firm, or corporation shall operate a taxicab or taxicab business in the City except in accordance with the terms and provisions of this Article.

Section 2: Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) “Operator” means any person, firm, or corporation in the business of transporting passengers in taxicabs.

- (b) “*Taxicab*” means any passenger-carrying vehicle used in the business of transporting passengers for hire which does not have fixed termini, including but not limited to, any unmarked automobiles used in the business of transporting passengers for hire by contract or requested special services that do not have fixed termini. The term “taxicab” shall not include limousines regulated by the state public service commission.
- (c) “*Taximeter*” means a device that automatically calculates, at a predetermined rate, and indicates the charge for hire of a vehicle. Taxicabs operating with non-electronic taximeters shall be furnished with a sign, approved by the City of Dunwoody Code Enforcement, immediately adjacent to the taximeter which explains the way the fare shall be calculated if the taximeter reaches its highest fare before the passenger’s destination is reached. This sign shall be pointed out to the passenger by the driver at the beginning of the trip.
- (d) “*Line Jumping*” Taxicabs shall be placed on stands only from the rear and shall be moved forward and to the front of the stand immediately as space becomes available by the departure or movement of preceding taxicabs. Violation of this rule constitutes line jumping and shall be grounds for suspension of a taxi driver’s permit.

Section 3: Operations deemed to be doing business in the City.

A taxicab business shall be deemed to be doing business in the City when its original terminus, that is to say, the place from which it operated and is subject to calls, shall be located in the City.

Section 4: ~~LicenseRegulatory~~ fees for annual ~~operation~~taxicab business and driver’s permit.

LicenseRegulatory fees are hereby levied per annum for each taxicab business maintained or operated, and per annum for each resident and non-resident driver’s permit. The ~~licenseregulatory~~ fees are established from time to time by Resolution of the Mayor and City Council and no such fees shall be prorated. The business occupation tax shall be in accordance with the current business occupation tax ordinance. The following are the classes of permits required under this Article: The following criteria must be met to maintain a taxi cab license:

- (1) Taxicab Business Permit. This permit applies to persons, firms, partnerships, corporation or other entities engaged in operating a taxicab business in the City and which are subject to an occupation tax under the City Code.
- (2) Resident Driver’s Permit. This permit applies to any person operating a taxicab on the streets of the City and who is operating under the auspices of a Taxicab Business Permit.
- (3) Non-Resident Driver’s Permit. This permit applies to any person operating a taxicab on the streets of the city and who is not operating under the auspices of a company subject to an occupation tax in the city. A non-resident driver is subject to the same requirements as a resident driver.

~~Establishment and maintenance of an office in a commercially zoned area of the corporate boundaries of the City of Dunwoody.~~

- ~~1. Submission of a copy of current lease or proof of ownership of office space.~~
 - ~~2. Establishment and maintenance of a publicly listed telephone number.~~
 - ~~3. Maintain the name and home address of each driver affiliated with the company.~~
 - ~~4. Maintain off street parking lot capable of accommodating all company vehicles.~~
 - ~~5. Maintain a file for each vehicle containing proof of current instruments.~~
- ~~Possess a valid six (6) month auto insurance policy.~~

Section 5: Permits for operation of taxicab business.

- (a) *Required.* No person, firm, or corporation shall operate a taxicab or conduct the business of operating taxicabs in the City of Dunwoody until the person, firm, or corporation has first applied for and obtained an occupation tax certificate and a taxicab ~~license~~permit. The applications for the occupation tax certificate and ~~license~~permit shall be made to the City of Dunwoody upon forms provided for that purpose. The ~~license~~permit for ~~vehicles~~businesses and driver's permits shall be issued by the City ~~of Dunwoody~~Manager or designee. ~~Permits for drivers will be issued by the City of Dunwoody Police Department, or its designee.~~

~~No person shall operate a taxicab in the corporate boundaries of the City of Dunwoody until the person has first applied for and obtained a driver's permit. Permits for drivers will be issued by the City of Dunwoody Police Department, or its designee.~~

- (b) *Description of business* Application for permit. An application for a taxicab business permit shall be made upon application forms provided by the City and be submitted with the requisite regulatory fee. The following criteria must be met to maintain a taxicab business permit. The applicant must:
- ~~(1) The application shall contain, among other things, include~~ a detailed description of the equipment to be used in the business and the name of the operators thereof, which shall be maintained and updated at all times, the point of original terminus of the business, and the address and telephone number of the office or call station from which the business is operated.
 - (2) Establish and maintenance of an office in a commercially zoned area of the corporate boundaries of the City of Dunwoody.
 - (3) Submit of a copy of current lease or proof of ownership of office space.
 - (4) Establish and maintain a publicly listed telephone number.
 - (5) Maintain off-street parking lot capable of accommodating all company vehicles.
 - (6) Possess a valid six (6) month auto insurance policy.

(7) Be a citizen of the United States, a legal permanent resident, or a qualified alien or nonimmigrant under the federal Immigration and Nationality Act lawfully present in the United States.

(8) Apply for and obtain an occupation tax certificate issued by the city.

Section 86: Drivers; Qualifications.

~~It shall be the duty of all operators to file with the City of Dunwoody the names and addresses, age and physical description of the persons employed as drivers.~~

~~(a) No person shall operate a taxicab in the corporate boundaries of the City of Dunwoody until the person has first applied for and obtained a driver's permit. An application for a driver's permit shall be made upon application forms provided by the City and the applicant must submit to a background investigation.~~

(b) All drivers shall hold licenses from the State Department of Public Safety as drivers of vehicles for hire, and drivers' permits issued by the City Police Department. No person shall be employed or shall drive a taxicab who has, within the past five (5) years, been convicted of or has pled guilty or nolo contendere to any sexual offense as set out in Title 16, Chapter 6 of the Official Code of Georgia Annotated, or to the offense of driving under the influence of drugs and/or alcohol, or to any open container violations, or to any offense involving the lottery, illegal possession or sale of narcotics or alcoholic beverages or possession or receiving of stolen property, violence, or the violation of a spirituous, vinous, or malt beverage statute or if the driver has been convicted of an offense of causing death by vehicle. No driver can be issued a taxi driver's permit if the driver has received three (3) or more moving violations in the preceding twelve (12) month period.

~~(c) No driver's permit is required if the operation of the taxicab in the City is limited solely to passing through the City without picking up a passenger or dropping off a passenger whose trip originated outside the City.~~

Section 7: Indemnity insurance.

(a) No taxicab ~~business license permit or driver's permit to operate taxicabs~~ shall be issued or ~~continued in operation~~ renewed unless the holder thereof shall file with the business tax division a policy of indemnity insurance in some indemnity insurance company authorized to do business in this state, which policy shall have limits equal to or in excess of the following sums for each taxicab operated:

(i) For bodily injury to each person, fifty thousand dollars (\$50,000.00);

(ii) For bodily injury to all persons sustained in any one accident, fifty thousand dollars (\$50,000.00); and

- (iii) For property damage and liability for baggage of passengers, ~~twenty-five~~fifty thousand dollars (\$~~2550~~,000.00).

The policy shall be conditioned to protect the public against injury or damage proximately caused by the negligence of the holder of such permit. Additional drivers or new drivers hired after issuance of the occupation tax certificate shall be covered by a rider to the policy prior to the issuance of a driver's permit.

- (b) Each taxicab operated within the city limits shall be required to carry and have in effect this minimum insurance coverage. The insurance must provide specific coverage for a vehicle used in the business of transporting passengers. Proof of such insurance coverage shall be provided on current certificates of insurance, naming the City of Dunwoody as certificate holder, including the name of the insurance company supplying the coverage, the amounts of coverage provided, the policy numbers and the policy expiration dates. The certificates must be signed by a qualified agent of an insurance company and issued directly to the city by the insurance provider. Failure to maintain such coverage shall constitute cause for revocation of a city permit.
- (c) Nothing in this section shall be construed to waive applicable state or federal laws, if any, which require a higher amount of minimum coverage.

Section 8: Ages of Vehicles.

The operator is responsible for ensuring that each taxicab used in active business is no more than six (6) years old. By December of each year, automobiles of a model year seven (7) years prior to that year must be replaced.

Section 9: Annual renewal.

All fees for taxicab business and ~~licenses and taxi~~ drivers' permits are due no later than June 30 of each year.

Section ~~6~~10: Certificate of inspection.

- (a) A certificate of inspection completed on forms provided by the City of Dunwoody and issued by an ASE Certified mechanic shall be located inside ~~the~~each permitted taxicab at all times certifying that the taxicab and equipment therein are safe and in compliance with applicable law. This certificate must be renewed every ninety (90) days, and the operator of any taxicab business shall be required to keep his/her taxicab and equipment therein in safe condition conforming to all laws under penalty of having his/her permit to conduct a taxicab business suspended or revoked.
- (b) Each taxicab must produce proof of taximeter inspection and calibration for issuance and renewal of taxi decal.

- (c) The City of Dunwoody Police Department, or its designee, may conduct random inspections to ensure the safety and welfare of the public.

| *Section ~~7~~11: Additional Equipment.*

The operator of a taxi business shall register with the City of Dunwoody each additional piece of equipment put in use, and same shall be subject to inspection and registration as herein provided.

| *Section ~~9~~12: Taxi Stands; Parking.*

Operators and drivers of taxicabs shall not park taxicabs in any congested area as defined by the regulations of the City Council at any place other than the place or places designated as “taxi stand”. The parking of taxicabs shall be subject at all times to the direction of police officers should such direction be necessary or desirable for the relief of an emergency traffic condition.

| *Section ~~40~~13: Information to be displayed.*

- (a) Information to be displayed inside the taxicab at all times:

The operator is responsible for ensuring that each taxicab used in active business shall have posted in a conspicuous place, on the inside thereof, a map or street guide of the City of Dunwoody, the name and photograph of the driver of the taxicab, and a schedule of fares. Each taxicab used in active business shall also bear on the outside thereof a numbered decal to be furnished by the City of Dunwoody.

- (b) Information to be displayed outside the taxicab at all times:

The operator is responsible for ensuring that each taxicab used in active business bears on the outside thereof a numbered decal to be furnished by the City, the name of the company and business telephone number which must be permanently affixed to the taxicab, a dome light on the roof which must be at least six (6) inches in height permanently affixed to the roof and bear the term “taxi” or the company name.

| *Section ~~44~~14: Operators responsible for violations by drivers.*

To the extent provided by law, operators are responsible for violations of this Article by their taxicab drivers whether such drivers are direct employees or independent contractors.

| *Section ~~42~~15: Notice of denial of ~~license~~ permit.*

In the event that an application is denied, the City ~~of Dunwoody~~ Manager or designee shall provide the applicant with written notice of the denial of the taxicab license or driver’s permit. The notice of denial shall include the grounds for denial as well as a statement that the licensee shall have the right to request an appeal of this denial in front of the City Council or designated hearing officer or board within ten (10) days after receipt of the denial notice. If such notice of appeal is filed with the City Manager, a hearing shall be scheduled in front of the City Council or designated hearing officer or board within thirty (30) days of the notice of denial. The City Manager shall notify the applicant of

such hearing at least ten (10) days prior to the hearing in writing, stating the time, place, date and purpose of such hearing. The hearing shall be conducted in the same manner as the hearings for suspension or revocation of a taxicab permit.

Section ~~4316~~: Suspension or revocation of ~~license~~ permit.

- (a) No license issued hereunder may be transferred.
- (b) Each license granted hereunder shall be subject to suspension or revocation for violation of any rule or regulation of the City now in force or hereafter adopted.
- (c) Whenever the City Manager determines there is cause to suspend or revoke the ~~license~~ permit issued hereunder, the City Manager's Office shall give the licensee ~~ten (10) day~~ written notice of intention to suspend or revoke the ~~license~~ permit, which shall include the grounds for suspension or revocation and the statement that the licensee shall have the right to request an appeal of this determination in front of the City Council or designated hearing officer within ten (10) days of receipt of the suspension or revocation letter. If the licensee files a notice of appeal with the City Manager, ~~A~~ hearing will be scheduled wherein the licensee may present a defense to the suspension or revocation before the City Council or such board as the City Council may designate. The City Manager shall notify the applicant of such hearing at least ten (10) days prior to the hearing in writing. The ten (10) day written notice shall include the time, place, and purpose of such hearing, and a statement of the charges upon which such hearing will be held. After the hearing, the Council or designated Board may suspend or revoke the ~~license~~ permit issued hereunder if any of the grounds set forth below exist. A ~~license~~ permit issued under this Article may be suspended or revoked by the City Council or their designee ~~and a driver's permit may be suspended or revoked by the City of Dunwoody Police Department~~ upon one or more of the following grounds:
 - (i) The original application contains materially false information, or the applicant has deliberately sought to falsify information contained therein;
 - (ii) For failure to pay all fees, taxes or other charges imposed by the provisions of this Article;
 - (iii) For failure to maintain all of the general qualifications applicable to the initial issuance of a license or permit under this Article;
 - (iv) Having four or more moving traffic violations in any twelve (12) month period;
 - (v) Refusing to accept a client solely on the basis of race, color, national origin, religious belief, or sex. Operators and drivers shall not refuse to accept a client unless the client is obviously intoxicated or dangerous;
 - (vi) Allowing the required insurance coverage to lapse or allowing a driver to operate in the City in violation of the provisions of this Article;
 - (vii) The establishment or driver is a threat or nuisance to public health, safety or

welfare;

- (viii) Not taking the most direct route; or
 - (ix) For violation of any part of this Article.
- (d) After the City Manager makes a recommendation to the Mayor and City Council or designee to suspend or revoke a licensepermit issued hereunder, the Mayor and City Council, or such board or hearing officer as the Mayor and City Council may designate, will conduct a hearing to hear evidence relevant to the alleged violation.
- (i) At the hearing, the City Manager or his designate proceeds first and shall have ten (10) minutes to present all evidence and argument in support of the recommendation to suspend or revoke the license issued hereunder.
 - (ii) The Mayor and the City Council members or their designates see(s) will have the right to ask questions at any time.
 - (iii) After the City Manager or his designee makes his presentation, the licensee or the licensee's legal counsel, shall have ten (10) minutes to present evidence and argument as to why the license issued hereunder should not be suspended or revoked. The Mayor and City Council members or their designate will have the right to ask questions at any time.
 - (iv) After hearing all of the evidence and arguments of the parties, the Mayor and City Council or designee(s) will render a decision. The denial, suspension or revocation of a taxicab licensepermit is final unless the licensee files a petition for writ of certiorari to the Superior Court of DeKalb County within thirty (30) days of the date of the decision.

Section 4417: No proration of license fee.

No license fees shall be prorated. Taxi driver's permit fees shall not be prorated.

Section 15: Repealer; exceptions.

~~All resolutions providing for taxicab license fees and drivers permits in conflict with this Article are hereby repealed, provided, however, that nothing herein shall affect any resolution providing for occupation or business taxes.~~

Section 16: Intent of Article; severability.

~~It is the intent of this Article to regulate the operation of taxicab businesses as set forth in this Article upon all businesses operating in the corporate boundaries of the City of Dunwoody consistent with the requirements of the Constitution and laws of the State of Georgia. In the event that the regulations and/or fees imposed hereby shall not be authorized on any business and practitioner or regulation and/or fee shall be in excess of the maximum amount authorized by law,~~

~~such regulation and/or fee shall be imposed only to the extent authorized by law. The invalidity of any part of this Article shall not affect the validity of the remaining portion hereof. In the event that this Article may not be enforced against any class of business mentioned herein, such inability to enforce the same shall not affect its validity against the other business specified herein.~~

~~Section 17: Effective date.~~

~~This Article shall become effective immediately upon its adoption by Mayor and City Council. Annual registration and payment shall be conducted in accordance with the terms of this Article.~~

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2010.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CITY OF DUNWOODY CODE
OF ORDINANCES BY CHANGING REQUIREMENTS FOR TAXICAB DRIVER
PERMITS; PROVIDING FOR DUE PROCESS**

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody has heretofore adopted an ordinance for Business Occupation Taxes, Licenses and Regulation, as set forth in Chapter 15 of the Code of the City of Dunwoody (the “Code”); and

WHEREAS, Chapter 15 contains certain requirements for taxicab permits that does not include regulations for non-resident drivers and requirements for obtaining permits for same; and

WHEREAS, the City Council has determined it is necessary in order to provide for the safety of taxicab passengers in the City to add requirements for non-resident drivers to obtain permits and to provide regulations for same and to provide for due process for applicants and holders of taxicab business and driver’s permits.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: Article 5 (“Taxicabs”) of Chapter 15 of the City of Dunwoody Code of Ordinances, is hereby deleted and replaced in its entirety to read as follows:

Article 5: Taxicabs

Section 1: Operation of taxicab to be in compliance with Article.

No person, firm, or corporation shall operate a taxicab or taxicab business in the City except in accordance with the terms and provisions of this Article.

Section 2: Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) “*Operator*” means any person, firm, or corporation in the business of transporting passengers in taxicabs.
- (b) “*Taxicab*” means any passenger-carrying vehicle used in the business of transporting passengers for hire which does not have fixed termini, including but not limited to, any unmarked automobiles used in the business of transporting passengers for hire by contract

or requested special services that do not have fixed termini. The term “taxicab” shall not include limousines regulated by the state public service commission.

- (c) *“Taximeter”* means a device that automatically calculates, at a predetermined rate, and indicates the charge for hire of a vehicle. Taxicabs operating with non-electronic taximeters shall be furnished with a sign, approved by the City of Dunwoody Code Enforcement, immediately adjacent to the taximeter which explains the way the fare shall be calculated if the taximeter reaches its highest fare before the passenger’s destination is reached. This sign shall be pointed out to the passenger by the driver at the beginning of the trip.
- (d) *“Line Jumping”* Taxicabs shall be placed on stands only from the rear and shall be moved forward and to the front of the stand immediately as space becomes available by the departure or movement of preceding taxicabs. Violation of this rule constitutes line jumping and shall be grounds for suspension of a taxi driver’s permit.

Section 3: Operations deemed to be doing business in the City.

A taxicab business shall be deemed to be doing business in the City when its original terminus, that is to say, the place from which it operated and is subject to calls, shall be located in the City.

Section 4: Regulatory fees for annual taxicab business and driver’s permit.

Regulatory fees are hereby levied per annum for each taxicab business maintained or operated, and per annum for each resident and non-resident driver’s permit. The regulatory fees are established from time to time by Resolution of the Mayor and City Council and no such fees shall be prorated. The business occupation tax shall be in accordance with the current business occupation tax ordinance. The following are the classes of permits required under this Article:

- (1) Taxicab Business Permit. This permit applies to persons, firms, partnerships, corporation or other entities engaged in operating a taxicab business in the City and which are subject to an occupation tax under the City Code.
- (2) Resident Driver’s Permit. This permit applies to any person operating a taxicab on the streets of the City and who is operating under the auspices of a Taxicab Business Permit.
- (3) Non-Resident Driver’s Permit. This permit applies to any person operating a taxicab on the streets of the city and who is not operating under the auspices of a company subject to an occupation tax in the city. A non-resident driver is subject to the same requirements as a resident driver.

Section 5: Permits for operation of taxicab business.

- (a) *Required*. No person, firm, or corporation shall operate a taxicab or conduct the business of operating taxicabs in the City of Dunwoody until the person, firm, or corporation has first applied for and obtained an occupation tax certificate and a taxicab permit. The applications for the occupation tax certificate and permit shall be made to the City of Dunwoody upon

forms provided for that purpose. The permit for businesses and driver's permits shall be issued by the City Manager or designee.

- (b) *Application for permit.* An application for a taxicab business permit shall be made upon application forms provided by the City and be submitted with the requisite regulatory fee. The following criteria must be met to maintain a taxicab business permit. The applicant must:
- (1) include a detailed description of the equipment to be used in the business and the name of the operators thereof, which shall be maintained and updated at all times, the point of original terminus of the business, and the address and telephone number of the office or call station from which the business is operated.
 - (2) Establish and maintenance of an office in a commercially zoned area of the corporate boundaries of the City of Dunwoody.
 - (3) Submit of a copy of current lease or proof of ownership of office space.
 - (4) Establish and maintain a publicly listed telephone number.
 - (5) Maintain off-street parking lot capable of accommodating all company vehicles.
 - (6) Possess a valid six (6) month auto insurance policy.
 - (7) Be a citizen of the United States, a legal permanent resident, or a qualified alien or nonimmigrant under the federal Immigration and Nationality Act lawfully present in the United States.
 - (8) Apply for and obtain an occupation tax certificate issued by the city.

Section 6: Drivers; Qualifications.

- (a) No person shall operate a taxicab in the corporate boundaries of the City of Dunwoody until the person has first applied for and obtained a driver's permit. An application for a driver's permit shall be made upon application forms provided by the City and the applicant must submit to a background investigation.
- (b) All drivers shall hold licenses from the State Department of Public Safety as drivers of vehicles for hire, and drivers' permits issued by the City Police Department. No person shall be employed or shall drive a taxicab who has, within the past five (5) years, been convicted of or has pled guilty or nolo contendere to any sexual offense as set out in Title 16, Chapter 6 of the Official Code of Georgia Annotated, or to the offense of driving under the influence of drugs and/or alcohol, or to any open container violations, or to any offense involving the lottery, illegal possession or sale of narcotics or alcoholic beverages or

possession or receiving of stolen property, violence, or the violation of a spirituous, vinous, or malt beverage statute or if the driver has been convicted of an offense of causing death by vehicle. No driver can be issued a taxi driver's permit if the driver has received three (3) or more moving violations in the preceding twelve (12) month period.

- (c) No driver's permit is required if the operation of the taxicab in the City is limited solely to passing through the City without picking up a passenger or dropping off a passenger whose trip originated outside the City.

Section 7: Indemnity insurance.

- (a) No taxicab business permit or driver's permit shall be issued or renewed unless the holder thereof shall file with the business tax division a policy of indemnity insurance in some indemnity insurance company authorized to do business in this state, which policy shall have limits equal to or in excess of the following sums for each taxicab operated:
 - (i) For bodily injury to each person, fifty thousand dollars (\$50,000.00);
 - (ii) For bodily injury to all persons sustained in any one accident, fifty thousand dollars (\$50,000.00); and
 - (iii) For property damage and liability for baggage of passengers, fifty thousand dollars (\$50,000.00).

The policy shall be conditioned to protect the public against injury or damage proximately caused by the negligence of the holder of such permit. Additional drivers or new drivers hired after issuance of the occupation tax certificate shall be covered by a rider to the policy prior to the issuance of a driver's permit.

- (b) Each taxicab operated within the city limits shall be required to carry and have in effect this minimum insurance coverage. The insurance must provide specific coverage for a vehicle used in the business of transporting passengers. Proof of such insurance coverage shall be provided on current certificates of insurance, naming the City of Dunwoody as certificate holder, including the name of the insurance company supplying the coverage, the amounts of coverage provided, the policy numbers and the policy expiration dates. The certificates must be signed by a qualified agent of an insurance company and issued directly to the city by the insurance provider. Failure to maintain such coverage shall constitute cause for revocation of a city permit.
- (c) Nothing in this section shall be construed to waive applicable state or federal laws, if any, which require a higher amount of minimum coverage.

Section 8: Ages of Vehicles.

The operator is responsible for ensuring that each taxicab used in active business is no more than six (6) years old. By December of each year, automobiles of a model year seven (7) years prior to that year must be replaced.

Section 9: Annual renewal.

All fees for taxicab business and drivers' permits are due no later than June 30 of each year.

Section 10: Certificate of inspection.

- (a) A certificate of inspection completed on forms provided by the City of Dunwoody and issued by an ASE Certified mechanic shall be located inside each permitted taxicab at all times certifying that the taxicab and equipment therein are safe and in compliance with applicable law. This certificate must be renewed every ninety (90) days, and the operator of any taxicab business shall be required to keep his/her taxicab and equipment therein in safe condition conforming to all laws under penalty of having his/her permit to conduct a taxicab business suspended or revoked.
- (b) Each taxicab must produce proof of taximeter inspection and calibration for issuance and renewal of taxi decal.
- (c) The City of Dunwoody Police Department, or its designee, may conduct random inspections to ensure the safety and welfare of the public.

Section 11: Additional Equipment.

The operator of a taxi business shall register with the City of Dunwoody each additional piece of equipment put in use, and same shall be subject to inspection and registration as herein provided.

Section 12: Taxi Stands; Parking.

Operators and drivers of taxicabs shall not park taxicabs in any congested area as defined by the regulations of the City Council at any place other than the place or places designated as "taxi stand". The parking of taxicabs shall be subject at all times to the direction of police officers should such direction be necessary or desirable for the relief of an emergency traffic condition.

Section 13: Information to be displayed.

- (a) Information to be displayed inside the taxicab at all times:

The operator is responsible for ensuring that each taxicab used in active business shall have posted in a conspicuous place, on the inside thereof, a map or street guide of the City of Dunwoody, the name and photograph of the driver of the taxicab, and a schedule of fares. Each taxicab used in active business shall also bear on the outside thereof a numbered decal to be furnished by the City of Dunwoody.

- (b) Information to be displayed outside the taxicab at all times:

The operator is responsible for ensuring that each taxicab used in active business bears on the outside thereof a numbered decal to be furnished by the City, the name of the company and business telephone number which must be permanently affixed to the taxicab, a dome light on the roof which must be at least six (6) inches in height permanently affixed to the roof and bear the term "taxi" or the company name.

Section 14: Operators responsible for violations by drivers.

To the extent provided by law, operators are responsible for violations of this Article by their taxicab drivers whether such drivers are direct employees or independent contractors.

Section 15: Notice of denial of permit.

In the event that an application is denied, the City Manager or designee shall provide the applicant with written notice of the denial of the taxicab or driver's permit. The notice of denial shall include the grounds for denial as well as a statement that the licensee shall have the right to request an appeal of this denial in front of the City Council or designated hearing officer or board within ten (10) days after receipt of the denial notice. If such notice of appeal is filed with the City Manager, a hearing shall be scheduled in front of the City Council or designated hearing officer or board within thirty (30) days of the notice of denial. The City Manager shall notify the applicant of such hearing at least ten (10) days prior to the hearing in writing, stating the time, place, date and purpose of such hearing. The hearing shall be conducted in the same manner as the hearings for suspension or revocation of a taxicab permit.

Section 16: Suspension or revocation of permit.

- (a) No license issued hereunder may be transferred.
- (b) Each license granted hereunder shall be subject to suspension or revocation for violation of any rule or regulation of the City now in force or hereafter adopted.
- (c) Whenever the City Manager determines there is cause to suspend or revoke the permit issued hereunder, the City Manager's Office shall give the licensee written notice of intention to suspend or revoke the permit, which shall include the grounds for suspension or revocation and the statement that the licensee shall have the right to request an appeal of this determination in front of the City Council or designated hearing officer within ten (10) days of receipt of the suspension or revocation letter. If the licensee files a notice of appeal with the City Manager, a hearing will be scheduled wherein the licensee may present a defense to the suspension or revocation before the City Council or such board as the City Council may designate. The City Manager shall notify the applicant of such hearing at least ten (10) days prior to the hearing in writing. The ten (10) day written notice shall include the time, place, and purpose of such hearing, and a statement of the charges upon which such hearing will be held. After the hearing, the Council or designated Board may suspend or revoke the permit issued hereunder if any of the grounds set forth below exist. A permit

issued under this Article may be suspended or revoked by the City Council or their designee upon one or more of the following grounds:

- (i) The original application contains materially false information, or the applicant has deliberately sought to falsify information contained therein;
 - (ii) For failure to pay all fees, taxes or other charges imposed by the provisions of this Article;
 - (iii) For failure to maintain all of the general qualifications applicable to the initial issuance of a license or permit under this Article;
 - (iv) Having four or more moving traffic violations in any twelve (12) month period;
 - (v) Refusing to accept a client solely on the basis of race, color, national origin, religious belief, or sex. Operators and drivers shall not refuse to accept a client unless the client is obviously intoxicated or dangerous;
 - (vi) Allowing the required insurance coverage to lapse or allowing a driver to operate in the City in violation of the provisions of this Article;
 - (vii) The establishment or driver is a threat or nuisance to public health, safety or welfare;
 - (viii) Not taking the most direct route; or
 - (ix) For violation of any part of this Article.
- (d) After the City Manager makes a recommendation to the Mayor and City Council or designee to suspend or revoke a permit issued hereunder, the Mayor and City Council, or such board or hearing officer as the Mayor and City Council may designate, will conduct a hearing to hear evidence relevant to the alleged violation.
- (i) At the hearing, the City Manager or his designate proceeds first and shall have ten (10) minutes to present all evidence and argument in support of the recommendation to suspend or revoke the license issued hereunder.
 - (ii) The Mayor and the City Council members or their designee(s) will have the right to ask questions at any time.
 - (iii) After the City Manager or his designee makes his presentation, the licensee or the licensee's legal counsel, shall have ten (10) minutes to present evidence and argument as to why the license issued hereunder should not be suspended or revoked. The Mayor and City Council members or their designate will have the right to ask questions at any time.

- (iv) After hearing all of the evidence and arguments of the parties, the Mayor and City Council or designee(s) will render a decision. The denial, suspension or revocation of a taxicab permit is final unless the licensee files a petition for writ of certiorari to the Superior Court of DeKalb County within thirty (30) days of the date of the decision.

Section 17: No proration of license fee.

No license fees shall be prorated. Taxi driver's permit fees shall not be prorated.

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2010.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney