

TITLE

AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESS, PEDDLERS, SOLICITORS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO CHANGE ITS TITLE TO "BUSINESS, PEDDLERS, SOLICITORS, TAXICABS, ETC."; TO UPDATE PROVISIONS REGARDING TAXICABS WITH RESPECT TO DEFINITIONS, MAINTENANCE, ACCIDENT REPORTS, AND THE APPLICATION; AND TO ADDRESS A NEW STATE LAW PERTAINING TO TRANSPORTATION NETWORK COMPANIES (EX. UBER) WHICH ARE EXCLUDED BY STATUTE FROM TAXICAB REGULATIONS.

WHEREAS, Title 9 of the City Code contains three chapters (Chapters 2, 3, and 4) devoted to taxicab regulations; and

WHEREAS, the taxicab regulations are in need of updating to address definitions, maintenance, accident reports, and the application process as well as to address recent state law changes pertaining to transportation network companies (ex. Uber) which are excluded by statute from taxicab regulations; and

WHEREAS, the City desires to replace the title of Title 9 from "Business, Peddlers, Solicitors, Etc." to "Business, Peddlers, Solicitors, Taxicabs, Etc." to more accurately reflect the contents of this title.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. The Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting the title of Title 9, titled "Business, Peddlers, Solicitors, Etc.," in its entirety and substituting therefore a new title for Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc."

Section 2. Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc.," Chapter 2, titled "Taxicabs – In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-201, titled "Defined," in its entirety and substituting therefore a new Section 9-201, titled "Definitions," which new section shall read as follows:

Section 9-201. Definitions.

- (a) ASE-Certified Mechanic. ASE-Certified Mechanic means a mechanic certified by the National Institute for Automotive Service Excellence.
- (b) City Manager. City Manager means the City Manager or the City Manager's duly authorized designee.
- (c) Taxicab. Taxicab means any motor vehicle used for the purpose of transporting persons within the city for hire and not operating upon an established route or between fixed termini. Taxicab does not include vehicles engaged exclusively in sight-seeing operations or used for weddings, funerals, or similar operations. Further, taxicab does not include vehicles operated or controlled by transportation network companies as that termed in defined in Tennessee Code Annotated §55-12-141.

Section 3. Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc.," Chapter 2, titled "Taxicabs – In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-205, titled "Maintenance and Inspection," in its entirety and substituting therefore a new Section 9-205, titled "Maintenance, Signage, and Inspection," which new section shall read as follows:

Section 9-205. Maintenance, Signage, and Inspection.

- (a) Maintenance. All taxicabs operated within the City shall be safely conditioned for the transportation of passengers and shall be kept in a clean and sanitary condition in interior and exterior. All taxicabs shall be receive annual maintenance by an ASE-Certified Mechanic. Documentation of this annual evaluation shall be submitted to the City Manager and kept on file in the City Clerk's Office. It shall be unlawful for any person to operate a taxicab in the city limits unless such taxicab is equipped in accordance with the requirements of the state motor vehicle law.
- (b) Signage. All taxicabs shall have conspicuously posted inside the cab a sign reading as follows:
- City ordinance requires that the interior and exterior of this cab be kept clean. If you think the cleanliness of this cab needs improvement, please mention this to the cab driver or call the Police Department (865-425-4399) and give the number of the cab.
- (c) Inspection. The City Manager shall cause to be made periodic inspection of such vehicles to determine their fitness for public use. It shall be grounds for the revocation of any taxicab permit for the holder thereof to fail to comply with this section.

Section 4. Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc.," Chapter 2, titled "Taxicabs – In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-212, titled "Accident Reports," in its entirety and substituting therefore a new Section 9-212, titled "Accident Reports," which new section shall read as follows:

Section 9-212. Accident Reports.

All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person, result in damage to any vehicle, or result in damage to any property in an amount exceeding four hundred dollars (\$400.00) shall be reported within seventy-two (72) hours from the time of the occurrence to the City Manager on a form to be furnished by the City Manager. Any taxicab damaged in an accident may not be returned to serve until a safety inspection has been completed by an ASE-Certified Mechanic.

A taxicab driver operating a taxicab at the time of an accident involving bodily injury or death is required to report for a drug screen within twenty-four hours from the time of occurrence at a testing site designated by the City Manager. Failure to report for such a screen may result in revocation of the taxicab driver's license.

A taxicab damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two (2) weeks of the accident or removed from operation until repaired.

Section 5. Title 9, titled "Business, Peddlers, Solicitors, Taxicabs, Etc.," Chapter 4, titled "Taxicabs – Driver's License," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-402, titled "Application," in its entirety and substituting therefore a new Section 9-402, titled "Application," which new section shall read as follows:

Section 9-402. Application.

Application for a taxicab driver's license shall be on a form provided by the City Manager. Such application shall give the applicant's full name; present address; place of residence for three (3) years next preceding; age; height; color of eyes and hair; places of previous employment; whether he or she has ever been convicted of a felony or misdemeanor; Tennessee driver's license number with the appropriate state-required endorsement for drivers of vehicles for hire;

whether previously licensed as a driver or chauffeur, and if so, whether his or her license has ever been suspended or revoked. Such application shall be signed and sworn to by the applicant, submitted to the City Manager, and then kept by the City Clerk as part of the applicant's file. The application provided for herein shall have attached thereto, on a form provided by the City Manager, affidavits of the applicant's good character from two (2) reputable persons who have known him or her personally during the three (3) years next preceding the date of the application.

Section 6. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Mayor

First Reading: 12/12/2016
Publication Date: 12/15/2016
Second Reading: _____
Publication Date: _____
Effective Date: _____

Mary Beth Hickman, City Clerk