

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

1. PEDDLERS, SOLICITORS, ETC.
2. PAWNBROKERS.
3. PASSENGER VEHICLES FOR HIRE.
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CHAPTER 1

PEDDLERS, SOLICITORS, ETC.

SECTION

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9-101. 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, corporation or "transient vendor" as defined in Tennessee Code Annotated, § 67-4-702(a)(17), not a resident of the State of Tennessee, who has no permanent regular place of business and who,

¹Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Mobile home parks: title 14.

Noise reductions: title 11.

Sign regulations: title 14.

Trespass by peddlers: § 11-401.

Zoning: title 14.

from a single location, or 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. "Peddler" and "transient vendor" shall not include solicitors for charitable and religious purposes and solicitors for subscriptions as defined below.

(2) "Solicitor" means any person, firm or corporation who, from a single location, or 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 charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or 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 charitable or religious organization, and who 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 permanently located within Madison County and operates as a not-for-profit organization, as determined by the city recorder.

(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. (Ord. #2004-040, July 2004, as amended by Ord. #2016-007, May 2016)

9-102. 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. (Ord. #2004-040, July 2004)

9-103. License required. No person, firm, corporation or transient vendor shall operate a business as a peddler, solicitor or street barker within the city, unless the same has obtained a license from the city in accordance with the provisions of this chapter. (Ord. #2004-040, July 2004)

9-104. License procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a license as a peddler, solicitor, or street barker and by each applicant for a license as a solicitor for charitable or 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.

(g) The exact location at which sales will take place, unless sales are to be door to door.

(h) Applications for local business licenses, outside county business licenses, and transient vendor permits, must be approved by the planning department before a license or permit is issued. A mobile food unit must be approved by the planning department for each location where a business will be conducted.

(2) License fee. Each applicant for a license as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of one hundred dollars (\$100.00).

(3) License issued. Upon the completion of the application form and the payment of the license fee, where required, the recorder shall issue a license to engage in business for a period of not more than one hundred eighty (180) days 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 license from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the license. (Ord. #2004-040, July 2004, as amended by Ord. #2016-005, April 2016, and Ord. #2016-007, May 2016)

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, 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 that 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.

(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. (Ord. #2004-040, July 2004)

9-106. Display of license. Each transient vendor, peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit and business license. Each transient vendor and mobile food unit is required to have in his possession a valid permit and/or business license, and the written permission of any private property owner, or other person in control of the property, which he or she is conducting business, while making sales or solicitations, and shall be required to display the same to any officer (ie. revenue officer, police officer) or anyone in the city revenue department upon demand. (Ord. #2004-040, July 2004, as replaced by Ord. #2016-007, May 2016)

9-107. Suspension or revocation of license. (1) Suspension by the recorder. The city recorder may suspend the license issued to any person or organization under this chapter 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 city council. The license issued to any person or organization under this chapter may be suspended or revoked by the city council, after notice and hearing, for the same causes set out in subsection (1) above. Notice of the hearing for suspension or revocation of a license shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the license 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. (Ord. #2004-040, July 2004)

9-108. Expiration and renewal of license. The license of the peddlers, solicitors, solicitors for charitable or religious purposes, solicitors for subscriptions and street barkers shall expire one hundred eighty (180) days from the date of issuance. A license may be renewed each subsequent six (6) months upon the payment of an additional license fee of one hundred dollars (\$100.00). (Ord. #2004-040, July 2004, as amended by Ord. #2016-005, April 2016)

9-109. Tennessee business tax. Every peddler and transient vendor securing a license under this section is presumed to have total sales of greater than three thousand dollars (\$3,000.00) per year and is deemed to not be eligible for the exemption set forth in Tennessee Code Annotated, § 67-4-712(d). Therefore, in addition to the license fee(s), every peddler and transient vendor shall, as a condition for the issuance of a license or renewal license, pay a tax of fifty dollars (\$50.00) for each fourteen (14) day period. In addition; it is requested upon application that location be approved by the City of Jackson Planning Department for all applicants and residential applicants may be charged a fee of fifty dollars (\$50.00). (Ord. #2004-040, July 2004, as amended by Ord. #2016-007, May 2016)

9-110. Violation 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. (Ord. #2004-040, July 2004)

9-111. Opening a business. A business license must be obtained from the City of Jackson within twenty (20) days after commencement of business. All businesses operating within the City of Jackson are required to obtain a business license and report their gross receipts to the Tennessee Department of Revenue on an annual basis. (as added by Ord. #2016-007, May 2016)

CHAPTER 2

PAWNBROKERS

SECTION

- 9-201. Pawnbrokers to be licensed.
- 9-202. Pawnbroker's records; pawn tickets; report to police.
- 9-203. Limitation or forfeiture of pledge.
- 9-204. Prohibited acts.
- 9-205. Safekeeping of pledges; insurance coverage.

9-201. Pawnbrokers to be licensed. No person, firm or corporation shall engage in the business of pawnbroker within the city without the pawnbroker's license required under Tennessee Code Annotated, § 45-6-208. (1995 Code, § 9-201)

9-202. Pawnbroker's records; pawn tickets; report to police.

(1) Every pawnbroker shall keep a consecutively numbered record of each and every pawn transaction which shall correspond in all essential particulars to the detachable pawn ticket attached thereto.

(2) The pawnbroker shall, at the time of making the pawn transaction and/or buy-sell transaction, enter upon the pawnshop copy of the records as well as on the pawn ticket, and/or buy-sell ticket, the following information which shall be typed or written in ink and in the English language:

- (a) A clear and accurate description of the property, including serial number if the pledged article shall bear such;
- (b) The date of the pawn transaction;
- (c) The amount of the pawn transaction;
- (d) The exact value of property as stated by pawnor who pledges same;
- (e) The date due; and
- (f) The name, race, sex, date of birth and residence address of the pledger.
- (g) The pledger shall sign the stub providing his residence address and shall receive the detached pawn ticket; the stub shall also be signed by the pawnbroker.

(h) These records shall be delivered to the appropriate law enforcement agency each day, except Sunday and shall be made available for inspection each day, except Sunday, before the hour of 10:00 A.M. by the sheriff of the county and the chief of police of the municipality in which the pawnbroker is located.

(i) These records shall be a correct copy of the entries made of the pawn transactions and/or buy-sell transactions and shall be carefully preserved without alteration and shall be available during regular

business hours for inspection by the appropriate law enforcement officers as herein provided. (1995 Code, § 9-202)

9-203. Limitation or forfeiture of pledge. In every transaction made under a loan of money, the pawnbroker shall retain in his possession every pledge of pawn fifty (50) days after maturity of the loan. In addition, if the pledgor fails or neglects for fifty (50) days after maturity date of the loan to redeem the pledged property, the pawnbroker shall thereafter comply with the notice and publication requirements set out in Tennessee Code Annotated, § 45-6-211. (1995 Code, § 9-203)

9-204. Prohibited acts. A pawnbroker shall not:

(1) Accept a pledge from a person under the age of eighteen (18) years, nor from anyone who appears intoxicated, nor from any person known to such pawnbroker to be a thief, or to have been convicted of larceny, burglary or robbery, without first notifying a police officer;

(2) Make any agreement requiring the personal liability of a pledger in connection with a pawn transaction;

(3) Accept any waiver, in writing or otherwise, of any right or protection accorded a pledger under this chapter;

(4) Fail to exercise reasonable care to protect pledged goods from loss or damage;

(5) Fail to return pledge goods to a pledger upon payment of the full amount due the pawnbroker on the pawn transaction. In the event such pledged goods are lost or damaged while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with like kind(s) of merchandise. In the event the pledger and pawnbroker cannot agree as to replacement with like kinds(s), the pawnbroker shall reimburse the pledger for the agreed upon value of the article as recited under Tennessee Code Annotated, § 45-6-209(b)(4);

(6) Purchase property in a pawn transaction for his, her or its own personal use;

(7) Take any article in pawn, pledge, or as security or under a buy-sell agreement from any person which is known to such pawnbroker to be stolen;

(8) Sell, exchange, barter, or remove from their place of business, or permit to be redeemed any goods pledged, pawned, or disposed by them for a period of forty-eight (48) hours after making the report as provided in § 9-202;

(9) Keep more than one (1) house, shop, or place for such business of pawnbroker under one (1) license; provided, however, that such person may remove from one (1) place of business to another, as provided in Tennessee Code Annotated, § 45-6-209;

(10) Buy, sell or take for pledge, pawn or security any device which may be used in the game of chance, and/or gaming device, nor shall any pawnbroker have in his possession any device that is and/or is used in the following: chuck-

a-luck, crack-loo, craps, dice, dice and chips used in the game of craps, equality, "French pool," or parimutuel, "keeno," lottery, lotto, pack of cards, pico, punch board, rondo, shuffle board, six-wheel, stock table, tables used for playing pool and billiards, poker chips and poker tables, ten-pin alleys, roulette, wheel of chance, slot machine, fargo, grandraffle or any device used in or for the game of chance.

(11) Buy, sell or take for pledge, pawn or security any razor, except safety razor, any dirk, bowie knife or other knife of like kind or size, or any other knife with any blade over two and one-half inches (2-1/2") long, sword cane, slingshot, blackjack, brass knuckles or Spanish stiletto. (1995 Code, § 9-204)

9-205. Safekeeping of pledges; insurance coverage. Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of the pledges provided by him, her or them, and shall have sufficient insurance coverage on the property held on the pledge for the benefit of the pledger, to pay the stated value as recited on the pawn stub of the pawned article, in case of destruction by fire or other catastrophe, and such policy shall be made payable, in the case of loss, to the city clerk for the benefit of the pledger, as his interest may appear, which policy shall be deposited with the city clerk. "Pawn value," for the purposes of this section, shall mean the amount of money loaned on the particular article, as stated on the pawn ticket and in the stub book, as recited under § 9-202. (1995 Code, § 9-205)

CHAPTER 3

PASSENGER VEHICLES FOR HIRE¹

SECTION

9-301. Definitions.

9-302. Certificate of public convenience and necessity.

9-303. Drivers.

9-304. Vehicles.

9-305. Fares.

9-306. Care of animals; non-motorized vehicles for hire.

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

(1) "Certificate" shall mean a certificate of public convenience and necessity issued by the city council authorizing the holder thereof to conduct a passenger vehicle for hire business in the City of Jackson.

(2) "Carriage" shall mean an animal drawn vehicle regularly used in the business of carrying passengers for hire, whether or not on a fixed route.

(3) "Coach" shall mean a motor vehicle regularly used in the business of carrying passengers for hire, including but not limited to a van, bus, street car, or trolley, having a seating capacity of more than five (5) persons excluding the driver, that is operated on a fixed route.

(4) "Driver's permit" shall mean the permission granted by the city revenue office to a person to drive a passenger vehicle for hire upon the streets of the City of Jackson.

(5) "For hire" means agreement to transport a person or persons for a fare.

(6) "Holder" shall mean a person to whom a certificate of public convenience and necessity has been issued.

(7) "License to operate a vehicle" means any license or permit to operate a motor vehicle to transport passengers for hire under this chapter.

(8) "Limousine" shall mean any motor vehicle except a taxicab designed or constructed to accommodate and transport passengers for hire, with an extended wheel base and expanded seating capacity designed for the transportation of persons. The vehicle shall have additional rear seating capacity, area, and comforts; and shall be designed to transport not more than fourteen (14) persons, exclusive of the chauffeur/driver.

(9) "Manifest" shall mean a daily record prepared by a driver of a passenger vehicle for hire of all trips made by said driver showing time and

¹Municipal code reference

Jackson Transit Authority; title 2, chapter 4.

place of origin, destination, number of passengers, and the amount of fare of each trip.

(10) "Owner" shall mean a person who holds the legal title of the passenger vehicle for hire or, in the event said vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, then such conditional vendee or lessee shall be deemed the owner.

(11) "Passenger vehicle for hire" shall mean a passenger vehicle used to provide transportation for passengers for a fare and shall include taxicabs and limousines.

(12) "Person" shall include an individual, a corporation or other legal entity, a partnership, or any unincorporated association.

(13) "Rate card" means a card issued by the city revenue office for display in each passenger vehicle for hire which contains the current rates of fare.

(14) "Taxi board" shall be a board consisting of three (3) members of the city council appointed by the mayor to oversee vehicles for hire, conduct hearings on violations, and make recommendations to the city council in reference to vehicles for hire. The board shall meet as necessary and/or pursuant to the provisions of this chapter.

(15) "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of not more than six (6) persons, excluding the driver, that is not operated on a fixed route.

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

(17) "Terminal" shall mean any building or garage where passenger vehicle for hire trips begin or terminate or the building or land where passenger vehicles for hire are parked, serviced, or repaired.

(18) "Vehicle for hire" means any person, firm, partnership, association, or corporation engaged as principal or agent, in providing transportation for any person or persons in the City of Jackson for a fare, fee, or any form of remuneration. Vehicle for hire does not apply to the transportation of children to and from school, the Jackson Transit Authority, or courtesy vehicles.

(19) "Waiting time" means the time when a vehicle for hire is not in motion from the time of acceptance of a passenger to the time of discharge, but such term does not include any time that the vehicle for is not in motion if due to any cause other than the request, acts, or fault of a passenger. (1995 Code, § 9-301, as replaced by Ord. #2010-006, April 2010)

9-302. Certificate of public convenience and necessity.

(1) Required; exceptions. No person shall operate or permit a passenger vehicle owned or controlled by him to be operated as a passenger

vehicle for hire upon the streets of the City of Jackson without first having obtained a certificate of public convenience and necessity from the city council.

(2) Application for certificate. (a) Any person, partnership, or corporation desiring to secure a certificate of public convenience and necessity shall make application to the city revenue office. The notarized application shall be filed with and dated by the city revenue office. A copy of the application shall be distributed promptly to the traffic unit of the police department.

(b) The application for a certificate shall be upon a form provided by the city revenue office. An applicant for a certificate, including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent (5%) of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business, shall furnish the following information:

- (i) Name and address, including all aliases.
- (ii) Written proof that the individual is at least eighteen (18) years of age.
- (iii) All residential addresses of the applicant for the past three (3) years.
- (iv) The trade name under which the applicant proposes to do business.
- (v) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application.
- (vi) All criminal statutes, whether federal or state, or city ordinance violations, for which conviction, forfeiture of bond or pleading nolo contendere has occurred, except minor traffic violations.
- (vii) The address of the premises from which the vehicle for hire business is to be conducted and the address wherein the vehicles are to be stored and/or serviced.
- (viii) If the applicant is a corporation, the name of the corporation and the date and state of incorporation, the name and address of the registered agent, and the names and addresses of all shareholders, as required above, officers and directors of the corporation. If a foreign corporation, the date of being qualified to do business under the Tennessee General Corporation Act.
- (ix) If the applicant is a partnership, the name and address of each of the partners.
- (x) The experience and/or the qualifications of the applicant to operate a transportation or passenger service.

(xi) The number of vehicles to be put into service at the time of application, the location of proposed terminals, and the class and seating capacity of each vehicle.

(xii) Whether the vehicles are to be animal drawn or motor powered.

(xiii) The color scheme and insignia to be used to designate the vehicle or vehicles of the applicant.

(xiv) Whether applicant operates any other vehicles under this chapter.

(xv) Whether the applicant is currently required by any law, conviction, or court decree to register with a violent sex offender or sex offender registry and, if so, for what reason.

(xvi) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(c) Within ten (10) days, or a reasonable time thereafter of receiving the results of the investigation conducted by the police traffic unit, a time and a place for a public hearing on the application and notice shall be given. Ten (10) days' notice of a public hearing stating the time and place of said public hearing and the express terms or an informative summary of the subject matter of the public hearing provided for herein shall be given by the publication in some newspaper published in the city, the cost thereof to be paid by the applicant or certificate holder. Additionally, such public hearing shall take place at a regularly scheduled meeting of the city council. All documents relative to said public hearing shall be available for inspection prior to the hearing at the city revenue office. Any interested person may file a statement in support of or in opposition to the issuance of a certificate, and/or may offer testimony at the hearing.

(d) Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant's refusal or failure to appear for examination under oath regarding said application or the applicant's refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that the application is ineligible for such license and shall be grounds for denial thereof by the recorder.

(3) Standards for issuance of certificate. The city council shall issue a certificate of public convenience and necessity if an applicant meets the following standards:

(a) That the public convenience and necessity requires the granting of a certificate, in that the applicant has shown:

- (i) The support of potential customers of the service;
- (ii) The uniqueness of the services offered; and

(iii) That the service would not disrupt local traffic conditions.

(b) The applicant shall present a distinct color scheme (if a taxicab vehicle for hire) and an insignia to designate the vehicle(s) of the applicant.

(c) If the applicant is an individual:

(i) The applicant shall be at least eighteen (18) years of age;

(ii) The applicant shall not have been found to have violated this chapter within five (5) years immediately preceding the date of application.

(d) If the application is a corporation or partnership:

(i) All officers or directors or partners shall be at least eighteen (18) years of age.

(ii) No officer, director or stockholder or partner required to be named shall have been found to have violated this chapter within five (5) years immediately preceding the date of application.

(4) Insurance. (a) All vehicle for hire companies shall be required to show proof of liability insurance or a certificate of self-insurance issued pursuant to Tennessee Code Annotated, § 55-12-111 to the city council for each motor vehicle engaged in the business of transporting passengers for hire and operated under their franchise.

(b) The insurance required by this section shall cover each vehicle for hire operated under their certificate of public convenience and necessity.

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

(d) A written policy of liability insurance coverage issued by an insurance carrier duly authorized to do business in the state, showing coverage for six (6) passengers plus the driver, shall be provided by a policy with limits of at least five thousand dollars (\$5,000.00) more per each seat capacity than the minimum single-limit or split-limit requirements for taxicabs, as provided herein, for injuries or death of more than one (1) person in any one (1) accident.

(5) Certificate issued to owner only. No certificate shall be granted under this chapter to any person unless said person is the owner of the vehicle(s) to be operated as a passenger vehicle(s) for hire. At the time of the issuance of said certificate, said certificate applicant shall deposit with the city revenue office a copy of a title issued by the State of Tennessee for each vehicle to be operated as a passenger vehicle for hire. Copies of renewal forms of licensing through the State of Tennessee must be kept updated for each vehicle with the city revenue office.

(6) Passenger vehicle for hire services. All persons engaged in the passenger vehicle for hire business in the City of Jackson operating under the

provisions of this chapter shall render service to the public desiring to use passenger vehicles for hire. Holders of certificates of public, convenience and necessity shall maintain a publicly known telephone number(s). Said holders of certificates to operate taxicabs shall answer all calls received by them for services inside the corporate limits of the City of Jackson as soon as they can do so and if said services cannot be rendered within a reasonable amount of time, they shall then notify the prospective passengers how long it will be before the said call can be answered and give the reason thereof. No holder of certificates to operate taxicabs shall refuse to accept a call anywhere in the corporate limits of the City of Jackson at any time when such holder has available taxis. Holders of certificates of public convenience and necessity shall receive calls and dispatch vehicles for hire twenty-four (24) hours a day but may reduce its hours of operation to a defined schedule authorized by the city council.

(7) Telephone records. The city revenue office shall require that each taxicab and limousine company keep a record of each telephone call received requesting taxicab or limousine service. Said record must be kept for a period of not less than twelve (12) months and will be subject to open inspection by the chief of police, his agent, or the police department on demand.

(8) Business to be conducted by certificate holder; agreements with drivers. The business of every passenger vehicle for hire shall be carried on by the person to whom the certificate is issued under this chapter. The holder of the certificate may enter into agreements with drivers fixing percentages of receipts to be turned over to the holder of the certificate for the daily use of such vehicles, paying salaries of drivers, or drivers may rent the passenger vehicle for hire for a specific sum of money. A driver may be the conditional vendee or lessee of a vehicle as long as the certificate holder is the owner as defined in § 9-302(5). Any arrangement contracted between the holder of a certificate and the driver shall not relieve the holder of the certificate from any liability and damages to third parties. A sample copy of all such agreements shall be kept on file with the city revenue office.

(9) Replacement of vehicles. In case any vehicle covered by a certificate is retired by the owner because it is worn out or so damaged as not to be worthy of repair, or is burned or otherwise destroyed, the certificate holder shall deposit with the city revenue office a copy of the title of the substitute vehicle. The certificate holder must, if vehicles are discarded, sold, retired or otherwise disposed of, give notice to the city revenue office of such action whether or not the vehicle is replaced.

(10) Driver's manifests. Every driver or chauffeur of a vehicle for hire or dispatcher for a vehicle for hire company shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin and destination of each trip and the amount of fare and number of passengers. All such completed manifests shall be returned to the vehicle for hire owner by the driver or chauffeur at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver or chauffeur by the

vehicle for hire company or owner and shall be of a character approved by the taxi board. Every vehicle for hire owner or company shall retain and preserve all driver and chauffeur manifests in a safe place for at least the current year and the preceding calendar year of the current calendar year, and such manifest shall be available for inspection by the city council or its appointees.

(11) Assignment or transfer of certificates. No certificate of public convenience and necessity may be sold, assigned, mortgaged, transferred or alienated.

(12) Review and revocation of the certificate. A certificate issued under this section shall be periodically reviewed by the traffic unit of the police department and shall be renewed at the existing level of vehicles as long as the standards for the initial issuance are met. If the periodic review by the traffic unit of the police department reveals deficiencies in the standards under which the initial issuance was granted, the traffic unit shall recommend to the taxi board that the certificate of public convenience be revoked. The taxi board shall advise the certificate holder in writing of the reasons for such revocation of the certificate of public necessity. The certificate holder may request a hearing within ten (10) days of notification of revocation and a public hearing shall be held as provided in § 9-302(2)(c). The taxi board may consider corrections of deficiencies in its decision to reinstate the certificate of public necessity.

(13) Suspension and revocation of certificates. (a) A certificate issued under the provisions of this chapter may be suspended or revoked by the taxi board after a hearing.

(b) A certificate issued under the provisions of this chapter may be suspended or revoked by the taxi board upon findings at the hearing that the holder of the certificate has:

- (i) Violated any provisions of this chapter;
- (ii) Discontinued operation for more than thirty (30) days;

or

- (iii) Would no longer be eligible for issuance of the certificate.

(c) A certificate holder shall have the right to appeal the ruling of the taxi board revoking or suspending said certificate in the same manner as provided for appeals of said decision under § 9-302(2)(c). (1995 Code, § 9-302, as amended by Ord. #2001-058, Dec. 2001, as amended by Ord. #2004-018, April 2004, modified, and replaced by Ord. #2010-006, April 2010)

9-303. Drivers. (1) Vehicle drivers. No person shall operate a passenger vehicle for hire upon the streets of the City of Jackson, and no certificate holder who owns or controls a vehicle for hire shall permit it to be so driven, and no passenger vehicle licensed by the City of Jackson shall be so driven at any time for hire, unless the driver of said vehicle for hire shall have first obtained and

shall have a current and properly updated passenger vehicle for hire driver's permit which has been issued by the city revenue office.

(2) Application for a driver's permit. (a) Permits required by this section shall be applied for, in writing, on such forms as the city revenue office may prescribe, which forms shall show:

(i) That the applicant has obtained a driver's license pursuant to the provision of Tennessee Code Annotated, title 55, chapter 50, being a Class D license with a "for hire" endorsement.

(ii) Whether the applicant is currently required by any law, conviction, or court decree to register with a violent sex offender or sex offender registry and, if so, for what reason;

(iii) All criminal statutes, whether federal or state, or city ordinance violations for which conviction, forfeiture of bond or pleadings of nolo contendere have occurred, including motor vehicle and traffic violations; and

(iv) Such other information as the chief of police may require.

(b) Such application shall be accompanied by three (3) copies of the Tennessee Class D driver's license with F-endorsement, one (1) of which shall be attached to the permit, if issued, and two (2) of which shall be retained in the files of the city revenue office with the application for the permit.

(c) Permits shall remain the property of the city revenue office, and may be cancelled, revoked, or suspended at any time and will be surrendered on demand.

(3) Investigation; issuance; not to issue to certain persons. (a) Before issuing a permit under this division, the chief of police or traffic division shall investigate the facts set out in the application and shall not approve such permit to any person who, in the opinion of the chief of police, after investigation, is not fit to drive or operate a vehicle for hire in the city.

(b) No driver's permit shall be issued to any applicant who has been convicted of, forfeited bail or pleaded nolo contendere to a felony or any crime involving moral turpitude as defined in Tennessee Code Annotated, § 57-4-204(h)(2), a controlled substance, prostitution, assignation, obscenity or any crime of a sexual nature in any jurisdiction, or been an inmate of reform school or penitentiary as a result of a conviction for a felony within five (5) years prior to this application for such permit.

(c) The chief of police may refuse to recommend approval of a permit to any applicant whose police record shows conviction for public drunkenness, driving under the influence of intoxicants, repeated moving traffic violations, or any other good and just cause which, in the opinion of the chief of police, would be inimical to the public health, safety or morals.

(d) No permit shall be issued unless the applicant is at least eighteen (18) years of age.

(e) It shall be the duty of the city revenue office to issue a permit to any person applying therefore, showing compliance with the provisions of the chapter.

(f) If the city revenue office denies the application, it shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a hearing shall be held.

(4) Notification of arrest or indictment. The holder of a driver's permit shall advise the city revenue office immediately of all charges, arrests and indictments, including but not limited to those for public drunkenness and driving under the influence of intoxicants. The city revenue office may suspend a driver's permit for fourteen (14) days prior to a hearing, if driver is arrested, charged, or indicted for any violation of city, state or federal laws. It shall also be the responsibility of the certificate holder with which said driver is affiliated to notify the city revenue office of said charges, arrests or indictments. Failure to do so may result in suspension or revocation of said permit and/or of said certificate.

(5) Notification of company change of driver. At the time is issued, the driver must register with the city revenue officer the name of the passenger vehicle for hire certificate holder with which the driver intends to be affiliated, and the city revenue office will have stamped on the permit the name of the passenger vehicle for hire certificate holder specified by the driver. If at any time a driver wishes to change affiliations, the driver must register the change with the city revenue office, and a fee of three dollars (\$3.00) will be charged to defray administrative cost. Failure to advise the city revenue office of any such changes may result in suspension or revocation of said permit. It shall be the responsibility of the holder of the certificate of public convenience and necessity to notify the city revenue office when affiliation with a driver is discontinued and any holder which allows a driver to operate a vehicle for hire without a proper and complete permit may have its certificate suspended or revoked.

(6) Fee. Each applicant for a permit under the provisions of this division shall pay to the city revenue office a fee of twenty five dollars (\$25.00), at the time of filing the application, to cover the cost of processing. To replace a lost, destroyed or stolen permit that is current, the fee shall be three dollars (\$3.00).

(7) Form, sign, design, and contents. A permit issued under this chapter shall be in card form, of such size and design as may be prescribed by the city revenue office which shall bear on its face a photograph of the driver, the number of the permit, and the company with which the driver is affiliated, and such other information as the city revenue office may require.

(8) Display of permit. The original permit issued under this chapter, containing the photograph and other data on the driver shall at all times be kept

on display in the passenger vehicle for hire operated by such driver, easily accessible to the passenger, while such passenger vehicle for hire is under the direction or control of such driver.

(9) Review and revocation of driver permits. (a) Driver permits will be periodically reviewed by the traffic division of the police department to ensure that the permit holder still meets all of the qualifications necessary for the initial issuance.

(b) If the traffic division determines that the permit holder no longer meets the qualifications necessary for initial issuance of permit, the traffic division shall notify the city revenue office of the need to revoke the permit.

(10) Suspension and revocation of permit. (a) Driver permits will be periodically reviewed by the traffic division of the police department to ensure that the permit holder still meets all of the qualifications necessary for the initial issuance.

(b) The city revenue office shall notify a driver of the violations with which he is charged and his right to an administrative hearing before taxi board, at which time the driver shall have an opportunity to present evidence; provided, however, that the city revenue office may suspend a permit for fourteen (14) days prior to a hearing, with a hearing to be held within that period of time, if, in the judgment of the city revenue office, the public health and safety requires. At such hearing the taxi board is hereby authorized to further suspend or revoke a driver's permit, should public health and safety require.

(11) Prohibited manner of solicitation. No passenger vehicle for hire driver shall solicit patronage in a loud or annoying tone of voice, or by sign, or in any manner annoying any person, or to obstruct the movement of any person or follow any person for the purpose of soliciting patronage.

(12) Standards of appearance and conduct of drivers. (a) No driver shall engage in selling alcoholic beverages or solicit business from any house of ill repute or use his vehicle for any purpose other than the transporting of passengers, except as provided for driver trainees.

(b) Drivers shall not engage in abusive language, including but not limited to, cursing, verbal insults or derogatory comments in the presence of passengers, potential or engaged, or staff members of regulating authorities.

(c) While on duty, drivers shall not be under the influence nor engage in the consumption of intoxicants, including but not limited to beer and other alcoholic beverages or controlled substances. Any driver charged with driving while intoxicated may have his permit immediately suspended, subject to § 9-303(4) in this code.

(d) No driver shall participate in or be present during illegal gaming activities.

(e) Drivers must present an acceptable appearance, including clean, neat wearing apparel not in need of repair. No shirt may be worn open at the chest; all shirts must have a closeable collar and shall bear no advertisement, symbol, fixture or saying other than company logo; no halter tops or tank shirts may be worn; no shorts may be worn; and shoes must be worn at all times while serving the public; general appearance must be one of neatness and cleanliness.

(13) Receipt and discharge of passengers on sidewalk only. Drivers of passenger vehicles for hire shall not receive or discharge passengers in the roadway, but shall pull to the extreme right hand side of the road or to the sidewalk and then receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either side of the roadway in the absence of a sidewalk.

(14) Total passengers in vehicle; carrying passengers in front seat of taxicab, or certain carriage.

(a) No driver shall permit more persons to be carried in a passenger vehicle for hire as passengers than the seating capacity, as stated in the vehicle for hire definitions in § 9-301(1) or as there are available seatbelts in the vehicle.

(b) Not more than one (1) paying passenger may be seated in the front seat or forward seat opposite the driver. Only passengers or trainee drivers may be seated on the front seat of any passenger vehicle for hire.

(15) Consent required for a taxicab, or certain carriages to pick up additional passengers. No driver of a taxicab or of a carriage with capacity for no more than five (5) passengers shall carry any person, other than the passenger(s) by whom he has been engaged, without the consent of the passenger.

(16) Drivers not to work more than twelve (12) hours out of twenty-four (24). (a) No driver shall work more than a maximum of twelve (12) driving hours in the aggregate of any twenty-four (24) hour period, and such driver shall not begin to drive until he has had at least eight (8) consecutive hours of rest.

(b) It is the duty of the certificate holder in conjunction with the driver to meet these requirements.

(17) Drivers of animal-drawn vehicles. A driver of an animal-drawn vehicle must properly guide the animal and vehicle and must properly control the animal and vehicle at all times.

(18) Drug testing shall be done on all drivers involved in an accident that results in a fatality or injuries requiring immediate transportation to a medical facility or the driver receives a citation for a moving violation arising from the accident. The drug testing shall be conducted within twenty-four (24) hours of the accident and shall be at the expense of the taxicab service. (1995 Code, § 9-303, modified, as replaced by Ord. #2010-006, April 2010)

9-304. Vehicles. (1) Vehicles-equipment and maintenance. (a) Vehicles must be properly licensed and maintained up-to-date tags.

(b) Said vehicle shall be thoroughly examined and inspected by a designated member of the police department and found to comply with this section's requirements. If, at any time, said passenger vehicle for hire is found by the inspectors not to comply with the following requirements, said passenger vehicle for hire shall not be allowed to be operated on the street, alleys and public ways of the city until and unless the inspector finds the vehicle meets these requirements.

Additionally, such vehicles will be inspected on a periodic basis by a designated member of the police department. Such inspections shall be announced by a notice mailed to the operators of these companies. Any vehicle which fails this inspection shall be withdrawn from service until and unless the vehicle passes the inspection. Those vehicles which pass inspection shall be issued a signed copy of the inspection form for company records.

(c) (i) Equipment standards. Every taxi cab or limousine operating on the streets, alleys and public ways of the city shall at all times be equipped with:

(A) A power plant adequate to propel the same in full compliance with the ordinances of the city.

(B) All appliances required, such as mufflers, service and emergency brakes, warning devices, lights and a rear vision mirror suitably installed in accordance with the provisions of such.

(C) Interior lights providing at least two (2) rated candle power for each interior seat space.

(D) Four (4) doors.

(E) Safety belts for each driver and passenger.

(F) A handle, latch, or opening device attached to each door of the passenger compartment, so that such door may be opened by the passenger.

(G) Any other requirements in respect to safety as is required by the laws of the state, of this code and all regulations as may be issued by the city revenue office.

(ii) Every animal-drawn vehicle operating on the streets, alleys, and public ways of the city shall at all times be in a safe and suitable condition for such use and shall have:

(A) Service and emergency brakes, warning devices, lights and a suitably installed rear vision mirror.

(B) Any other requirements in respect to safety as is required by the laws of the state of this code and all regulations as may be issued by the city revenue office.

(2) Television equipment. No television set shall be installed or portable model television operated in any taxicab.

(3) Maintenance. (a) Every passenger vehicle for hire operated in the city shall be kept in a clean and sanitary condition and in such condition of repair as may be reasonably necessary to provide for the safety of the public and for continuation in satisfactory operation.

(b) It is the joint responsibility of the certificate holder and of the driver to maintain the appearance and safety of the passenger vehicle for hire and equipment and failure to comply may result in the suspension or revocation of the certificate for public convenience and necessity and/or of the driver's permit.

(i) The interior will be cleaned periodically during the day as needed.

(ii) The cleaning of the exterior of the vehicle shall include the trunk area for all taxicabs and limousines. In such vehicles, jacks, spare tires, and any other loose equipment housed in the trunk must be secured and covered with carpet or other appropriate covering.

(iii) It shall be the responsibility of the certificate holder to make certain that the following standards are met in relation to vehicles:

(A) Safe tread on tires.

(B) Brakes in working and safe condition.

(C) No vehicle body damage.

(D) All lights in working order.

(E) Any condition which the inspector may deem unsafe, unsightly, or in need of repair.

(F) Seat belts provided in motor vehicles, one (1) for each driver and passenger and all other equipment required by state law or this chapter.

(G) Attention given to any other areas requiring maintenance.

(H) All vehicles for hire shall be equipped with two-way radios or cellular phones.

(4) Taximeters. (a) It shall be unlawful for any taxicab certificate holder or driver operating any taxicab to operate, or cause to be operated, on the streets, alley or public ways of this city, unless the same is equipped with a taximeter approved by the city revenue office and which is in compliance with this section. A taximeter shall be operated from any part of the propelled wheels or propelling machinery of the taxicab on which it is placed.

(b) It shall be the duty of every certificate holder using any taximeter to keep the same accurate at all times.

(c) All taximeters shall be placed so that the reading dial showing the amount to be charged shall be well lighted and readily discernible by passengers riding in such taxicab.

(d) All taximeters shall be subject at all reasonable times and places to the inspection of the chief of police, any police officer of the city, vehicle for hire inspectors, or any other inspector designated by the city.

(e) A vehicle for hire may also elect at times to charge a fare on a contract basis or with a fixed fee agreement with passengers. Such fares on a contract basis of fixed fee agreements must be on file at the city revenue office. This does not alleviate the necessity of each vehicle maintaining an operational taximeter, however.

(f) These taximeters will be inspected upon being installed upon the vehicle and also on a periodic basis following this. The meter will be sealed by the inspector allowing such inspection and the vehicle will not be placed into service without such seal.

(5) Scanners. No vehicle shall be equipped with a scanner or a device not capable of transmission but allows an operator to access frequencies, or any device that allows an operator to access frequencies other than that vehicle's authorized frequency. In addition, no scanner or device capable of accessing frequency other than that certificate holder's authorized frequency shall be operated at the place of business of the certificate holder. (1995 Code, § 9-304, as replaced by Ord. #2010-006, April 2010)

9-305. Fares. (1) Rates for taxi cabs. (a) The taxi board may, either acting independently or at the request of any passenger vehicle for hire certificate holder, hold a public hearing to fix, in their sound discretion, the maximum passenger vehicle for hire rates by class of vehicle. The revenue office shall cause the current rates to be posted in all places of business of the passenger vehicle for hire certificate holders and on all passenger vehicles for hire.

(b) The taxi board, in the manner prescribed above, may fix flat rates to specific locations or for special events, which rates shall supersede the rates in effect at the time, provided a schedule of such fixed rates to specific locations is posted in each passenger vehicle for hire, and, for special events, is placarded so as to be visible on the outside and inside of the rear windows of each passenger vehicle for hire.

(c) With regard to taxi cabs:

(i) In the absence of express agreement made at the time the taxicab is hired, the employment and collection of fee shall be held to be based upon the distance traveled at a rate of speed of at least ten miles per hour (10 mph) plus waiting time. In case of an express agreement for a charge not based on the distance traveled at a rate of speed of at least ten miles per hour (10 mph) plus

waiting time, the automatic recording device or taximeter shall not be engaged.

(ii) After the original passenger agrees to allow other passengers to travel in the same taxicab, the taximeter will be reset as each passenger arrives at his destination and departs the taxicab. When the first passenger has been transported to his destination, the taximeter will be reset and the next passenger transported to his destination. At such time, the fare shall be the amount on the taximeter plus one dollar. At the point of departure of the second passenger, the meter will be reset and this procedure shall continue until the taxicab is vacant.

(iii) When any passenger is picked up en route with the consent of the original passenger, on the departure from the cab he shall pay a fare equivalent to the fare had he had exclusive use of the taxicab for the distance he was actually transported.

(iv) When two (2) or more passengers originating from the same point enter into a contractual agreement as one with the driver and expect to go to different destinations, the meter shall be reset as each passenger departs the cab.

(v) Taxicabs are hereby authorized to regulate their meters so that, at any time the vehicle is moving at a speed slower than ten miles per hour (10 mph), the meter recording the amount to be charged for the fare will automatically register an additional fare of ten cents (\$.10) for each thirty-six (36) seconds of operation during waiting time.

(2) Rates for taxi cabs to be displayed. The current official taxicab rates shall be prominently displayed in contrasting colors on the outside of each taxicab vehicle for hire operated in the city in letters not less than two inches (2") high. In addition, a synopsis of the current rates shall be furnished to all licensed passenger vehicle for hire operators by the city recorder, who shall cause same to be prominently displayed within the vehicle for hire readily visible to the passenger.

(3) Demand of taxi cab fare in advance; refusal to convey passengers. Every driver of a passenger vehicle for hire shall have the right to demand payment of the regular fare in advance and may refuse employment unless so paid, but no driver of a passenger vehicle for hire shall refuse or neglect to convey any orderly person or persons upon request anywhere in the city, unless previously engaged or unable to do so.

(4) Refusal to pay taxi cab fare. It shall be unlawful for a passenger or persons engaging a passenger vehicle for hire to refuse any fare registered on the taximeter of taxicabs in accordance with the rates of which is displayed or agreed upon prior to the hiring of the passenger vehicle for hire.

(5) Receipt for taxi cab fare. Each driver, if requested, shall give to every passenger paying for a passenger vehicle for hire a printed receipt, in form

approved by the revenue office, showing the cost of fare and such other information as the revenue office may from time to time require; provided, however, that this requirement shall not apply to drivers of passenger vehicles for hire with a seating capacity of more than seven (7) passengers.

(6) In-kind payments of taxi cab fares. No in-kind payments, including but not limited to, any items of value such as jewelry, etc., shall be accepted in lieu of or as collateral on a fare.

(7) Fares for limousine services. Owners, drivers, or operators of a limousine service may enter into a flat fee agreement with passengers and this flat fee agreement may be based either on length of time for which the service is rendered or on distance the limousine travels during the service provided. (1995 Code, § 9-305, as replaced by Ord. #2010-006, April 2010)

9-306. Care of animals; non-motorized vehicles for hire. (1) Duty to maintain proper care of animals used for non-motorized vehicles for hire.

(a) Before the certificate holder shall place any carriage into service, the certificate holder shall identify such vehicle with the initials of the certificate holder's name followed by a dash and a number which shall not be used on any other animal drawn vehicle of such certificate holder, with such letters and numbers being similar in size to those used on motor vehicle license plates by the State of Tennessee. Such identification shall be placed on the rear of each such vehicle and shall be of a color which contrasts with the background to insure legibility from a distance.

(b) The driver shall display in or on the vehicle, in plain view of the passenger, a sign clearly specifying the maximum load limit of the vehicle. The certificate holder shall be responsible for driver compliance with the requirements of this subsection.

(c) The revenue office, the traffic unit of the police department, or officials of the City of Jackson animal shelter shall have the right to inspect the records and equipment and monitor the conduct of the certificate holder. They shall also have the right to require the certificate holder or any driver of an animal drawn vehicle to remove from service any animal which is overtired, undernourished, overloaded, injured or lame, in the opinion of a licensed veterinarian, or in the opinion of any such inspector, official or designated representative when, in the opinion of such individual, such an emergency exists that the animal's life or health is threatened.

(2) Collection of animal droppings. It shall be the responsibility of the certificate holder to provide the proper collection bags for animal droppings and to take the necessary steps to keep all streets, alleys, sidewalks, and other public ways of the City of Jackson free of droppings. (1995 Code, § 9-306, as replaced by Ord. #2010-006, April 2010)

CHAPTER 4

MECHANICAL AMUSEMENT DEVICES

SECTION

9-401. Definitions.

9-402. Minors not to operate machines.

9-403. Sign required on all machines.

9-404. Violation of this chapter constitutes a nuisance.

9-401. Definitions. A mechanical amusement device is any machine, which, upon the insertion of a coin, slug, token, plate or disc may be operated by the public generally for use as a game, entertainment or amusement, which registers a score, dependent upon the skill of the player, and which includes what is commonly known as a "pinball" machine. (1995 Code, § 9-401)

9-402. Minors not to operate machines. It is unlawful for any person having a mechanical amusement device in his place of business to permit any person under the age of twenty-one (21) years to operate or play such mechanical amusement device, and it shall be the responsibility of such person or owner to ascertain whether or not anyone desiring to operate or play such machine is of sufficient age. (1995 Code, § 9-402)

9-403. Sign required on all machines. Any person having charge of a mechanical amusement device shall cause to be placed upon such mechanical amusement device a metal sign, six by eight inches (6" x 8") in dimension with the words, "The City Code prohibits gambling or persons under twenty-one (21) years of age operating this machine." This sign shall be firmly affixed to each mechanical amusement device so as to be plainly visible to the person or persons playing such machine. (1995 Code, § 9-403)

9-404. Violation of this chapter constitutes a nuisance. Any place of business containing a mechanical amusement device in which any of the above violations occur shall be and constitute a public nuisance and such place of business shall be ordered by the city council to show cause within ten (10) days why its privilege of doing business shall not be revoked as well as all other licenses and permits issued by the city. (1995 Code, § 9-404)