

Chapter 40. VEHICLES FOR HIRE*

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***Cross Reference**—Businesses, ch. 10, Traffic and Vehicles, ch. 36.

State Law Reference – Required Agreements as to Operation of Vehicles Registered in Other States to Motor Vehicles for Hire, O.C.G.A. §40-2-95

ARTICLE I. IN GENERAL

Secs. 40-1 – 40-23. Reserved.

Sec. 40-24. Enforcement.

The enforcement of this chapter shall be the responsibility of the Elberton police department, the city manager, or other city official designated at the discretion of the city manager. (Ord. No. 2016; §1, 12-1-97)

Sec. 40-25. Reserved.

ARTICLE II. TAXICABS

DIVISION 1. GENERALLY

Sec. 40-26. Lettering and Numbering of Vehicle.

It shall be the duty of every taxicab owner/operator at all times to keep the name of the operator (not driver) plainly marked on each side of each vehicle used as a taxicab in the city in letters not less than two inches high, and also to number consecutively the vehicles so used beginning with Number 1, which number shall be known as the fleet number or taxicab number of the vehicle. The taxicab number shall be plainly marked on each side of the vehicle in three inch numbers just under the name of the operator. (Code 1968, §19-4; Ord. 2016, §1, 12-1-97)

Sec 40-27. Fares.

The rates, charges or fares to be charged for the transportation of passengers by taxicabs in the city shall be set by resolution duly adopted by the mayor and council. (Code 1968, §19-8; Ord. 2016, §1, 12-1-97)

Sec. 40-28. Condition of Taxicabs; Inspection.

(a) Each taxicab operated within the city pursuant to the provisions of this article shall be equipped with at least two doors for the entrance and exit of passengers, in addition to the door which gives access to the driver's seat. The vehicle shall be equipped with an adjustable rear vision mirror so installed as to enable the driver to obtain a reasonable clear view toward the rear. The vehicle to be used as a taxicab is to be equipped with speedometer, headlights, taillights, brake lights, signal lights, outside rearview mirrors, brakes, horns, windshields, windshield wipers, tires, other equipment and passenger restraint devices as required under the official code of Georgia Sections 40-8-76 to 40-8-221. It shall be of good appearance and shall be so constructed and maintained as to provide for the safety of the public.

(b) All vehicles operated as taxicabs shall be maintained in a clean and sanitary condition, including the interior of the vehicle and the trunk.

(c) It shall be the duty of the taxicab company to inspect at least quarterly every taxicab controlled or operated by them in order to determine that the taxicab meets minimum standards of cleanliness and safety set forth by state law. Any such taxicabs shall be subject to inspection by representatives of the city at all reasonable times, and also to requests of any inspection station for a mechanical inspection to determine that the taxicab meets the minimum requirements of safety inspection as set forth in state law. The chief of police or his designee may immediately suspend from operation any taxicab found to be unsafe or unsanitary, and any vehicle so suspended shall

not be operated again until repaired and put in proper condition for use and then only after its condition has been approved by the chief of police.
(Doe 1968, §19-11; Ord. 2016, §1, 12-1-97)

Sec. 40-29. Failure of Driver to carry out Transportation Contract or to meet Engagement.

It shall be unlawful for any operator or taxicab driver to fail to carry out any contract or to meet any engagement which he may make for the carrying of orderly passengers. (Code 1968, §19-11; Ord. 2016, §1, 12-1-97)

Sec. 40-30. Transporting Passengers for Unlawful or Immoral Purposes.

No taxicab owner or operator shall knowingly transport any person for an unlawful purpose or a purpose not conducive to good morals and the welfare of the general public of the city. (Code 1968, §19-10; Ord. 2016, §1, 12-1-97)

Sec. 40-31. Engaging Cab with intent to Defraud.

It shall be unlawful for any person to engage or use of taxicab or other public vehicle of transportation in this city not intending to pay for the same at the time the vehicle is engaged, but with the intent to defraud the owner or driver of the vehicle out of the value of the use thereof, and every employment of the vehicle shall be held to be for cash, unless other arrangements are made at the time the vehicle is contracted.
(Ord. No. 2016, §1, 12-1-97)

Sec. 40-32. Number of Passengers Limited.

It shall be unlawful to transport, and no taxicab owner or operator shall transport, in any one taxicab, more passengers than installed seat belts or safety restraining devices.
(Ord. No. 2016, §1, 12-1-97)

Sec. 40-33. Penalty for Violations; Cancellation or Suspension of License and Permit.

In addition to the punishment provided in Section 1-9, for the violation of any of the terms of this article the city has the right to cancel or suspend any license or permit granted under the provisions of this article.
(Ord. No. 2016, §1, 12-1-97)

Secs. 40-34 – 40-40. Reserved.

Sec. 40-41. Application; Required Information.

The application for a permit shall be in writing, addressed to the council and filed with the city clerk. Such application shall be verified and witnessed and shall furnish the following information:

- (1) The full name and address of the applicant.
 - (2) If the applicant is a corporation, the name of its officers.
 - (3) The location from which the business shall be operated
 - (4) The number of vehicles to be operated.
 - (5) The maximum numbers of passengers each vehicle is manufactured to carry.
 - (6) The experience of the applicant in the transportation of passengers.
 - (7) Such further information as may be required.
- (Code 1968, §19-1; Ord. 2016; §1, 12-1-97)

Sec. 40-42. Business and Individual License.

(a) Each taxicab or vehicle for hire business shall obtain a business license from the city. Before any license shall be issued to operate a taxicab, the operator applying therefor shall pay to the city clerk a license fee as prescribed by Section 10-35 for each motor vehicle so used as a taxicab, and should any new vehicles be added, the make, motor number, and fleet number or taxicab number of such new vehicle shall likewise be registered with the city clerk before the vehicle is permitted to be driven on the streets of the city. Each driver of a taxicab or vehicle for hire shall obtain and keep on display in the vehicle a driver's permit from the city. Such permit may be in the form of a picture ID and shall be renewed on an annual basis. No person shall directly or indirectly be permitted to obtain a city business license to operate any taxicab or vehicle for hire who has been convicted of a crime involving moral turpitude, or having violated any law dealing with having, possessing or selling intoxicating liquors, wines, beers, or non-prescription (illegal) drugs. No taxicab driver will be approved who has a D.U.I. conviction within one year or a homicide by vehicle charge within five years prior to their application. Any prospective driver who currently has ten points towards suspension of their driver's license will not be approved.

(b) The chief of police shall cause to be had an investigation of each applicant or a taxicab driver's permit, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application. It shall be the duty of the chief of police to cause an investigation to be made to determine the moral character and fitness of the applicant, and knowledge of the applicant of the provisions of this chapter and the provisions pertaining to traffic regulations in the City of Elberton.
(Ord. 1968, §19-2; Ord. 2016; §1, 12-1-97)

Sec. 40-43. Insurance Required.

(a) No person shall operate a taxicab or vehicle for hire within the city limits without the operator having public liability and property damage insurance on the taxicab or vehicle for hire in such amounts as may be fixed from time to time by resolution of the council.

(b) At any time a new vehicle is added or substituted for an old one, liability and physical damage insurance in the amounts for such new vehicle shall be provided, and the policy for the new vehicle shall be deposited with the city clerk before such vehicle is placed in operation.
(Code 1968, §19-3, Ord. 2016, §1, 12-1-97)

Sec. 40-44. Operator’s Driver’s Log.

Every owner or operator of a taxicab in the city shall keep a record or log at the place of business of such operator and shall make or cause to be made entries therein which will show the fleet number or taxicab number of each taxicab operated on the streets of the city and the name of the driver driving the taxicab, such entry to be sufficiently complete to permit anyone inspecting the log or record to determine just what driver is or was driving or in charge of each taxicab in service at any specific hour of the day or night. Such log or record shall be subject to inspection by any member of the police department at any time. This log must be legibly written in English, giving the time, date, and place of each fare. Failure to maintain a log or present the log for inspection is grounds for immediate suspension of the operator’s permit.
(Code 1968, §19-7; Ord. 2016, §1, 12-1-97)

Secs. 40-45 – 40-55. Reserved

DIVISION 3. DRIVER’S PERMIT

Sec. 40-56. Driver’s Registration – Application; Fee; Photograph; Character.

Any person wishing to drive a taxicab in the city shall, before doing so, file an application with the city clerk for a registration card or permit as a taxicab driver, which application shall be accompanied by the currently required fee; by two copies of the applicant’s photograph taken within the last six months measuring 2 ½ x 2 ½ inches and by evidence of good moral character. The application shall also show the name of the operator for whom he will drive.
(Code 1968, §19-5)

Sec. 40-57. Same – Issuance and Posting of Card.

Should the city clerk be satisfied that all the requirements of law have been met, he may issue such taxicab driver’s registration card or permit for the period ending December 31st thereafter. He shall attach to the registration card or permit a copy of the applicant’s photograph, and such permit shall show on its face the operator for whom the driver is permitted to drive. The taxicab driver shall at all times when driving a taxicab keep posted in a conspicuous place on the inside of the taxicab such registration card or permit, and it shall be unlawful for him to drive any taxicab without doing so.
(Code 1968, §19-6)