ORDINANCE AMENDING CHAPTER 118 VEHICLES FOR HIRE, CODE OF ORDINANCES OF THE CITY OF OXFORD, MISSISSIPPI

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OXFORD, MISSISSIPPI AS FOLLOWS:

Sec. 118-19 - 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:

Daytime: The period between sunrise and sunset.

Limousine: A motor vehicle designed or constructed to accommodate and transport passengers for hire on a pre-arranged basis only with an extended wheel base, expanded seating capacity, and a fixed partition between the driver and passenger seating area. 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.

Nighttime: The period between sunset and sunrise

Pedicab: a tricycle that:

1. transports or is capable of transporting passengers on seats attached to the tricycle;
2. is powered by human power or an electric assist; and
3. is used to carry passengers for hire.

Taxicab: means and includes all motor vehicles used to carry passengers for hire, except such vehicles which are under and found to be subject to the jurisdiction of the state public service commission and/or the federal interstate commerce commission. The following are excluded from the definition of vehicle for hire:

1. Limousines
2. Vehicles owned and operated and operated by federal or state government, by a political subdivision of the state, or by a person under contract with the federal or state government, by a political subdivision of the state.
3. Vehicles owned and operated by hotels/motels and apartments which provide free transportation service to guests and residents

Taxi or Pedicab Trip: The act of carrying a passenger(s) that originates at one location and terminates at a different location or destination.
Vehicle for Hire: means any taxi or pedicab as defined herein, or any vehicle used to carry or transport passenger(s) for hire, unless specifically excluded herein.

Sec. 118-20 - Liability Insurance Required

(a) Taxi Liability insurance. No person, firm or corporation shall operate or cause to be operated on any street of the said city any taxicab without having secured liability insurance on each taxi in some reliable and solvent insurance or surety company authorized to do business in the state, in the sum of no less $100,000 for the death or injury to any one person, and subject to said limit for one person, $300,000 total public liability for any one accident and $100,000 for property damage.

(b) Pedicab Liability Insurance. The owner shall maintain all times a commercial general liability insurance policy in the amount of at least one million dollars ($1,000,000) per occurrence and two million ($2,000,000) annual aggregate. The insurance company issuing the policy shall be authorized to issue commercial liability policies in Mississippi by the Mississippi Department of Insurance. The policy shall designate by manufacturer’s serial number or identification number of all pedicabs for which coverage is granted. The policy shall name the owner of the pedicab in Mississippi. The policy shall name the city as an additional insured.

(c) Written notice of cancellation. The insurance policy or bond shall contain a provision or endorsement to the effect that the same shall not be cancelled for any cause by either party thereto unless or until 30 days written notice thereof shall be given to the city by registered, prepaid mail, addressed to the mayor with a copy thereof mailed in like manner to the city clerk.

(d) Possession of insurance policy. The city clerk shall retain, in their possession, the public liability insurance policy or bond in effect for the operation of the taxicab or pedicab and a copy of the liability insurance policy or bond shall be carried in any taxicab or pedicab operating within the corporate limits of the city and available for inspection by the police or any public official. Furthermore, the city clerk shall be notified within 24 hours of any changes in the public liability policy or bond.

Sec. 118-21 - Permits

It shall be unlawful for any person to own or operate a taxicab or pedicab in and upon or across any of the public streets, avenues, alleys or other public passageways in the City of Oxford, Mississippi, unless and until such person shall first have obtained a business license and a permit from the governing authorities of said city authorizing such person to own or operate such taxicab or pedicab. Any person desiring to obtain a permit authorizing the ownership or operation of a taxicab or pedicab in, into, from, within or through the corporate limits of the City of Oxford shall make application for such permit in writing to the city clerk. The applicant must:

1. Provide name and address.
2. Be at least 21 years old for a taxi permit and 18 years old for a pedicab permit.
3. Be a citizen of the United States or an alien admitted for permanent residence who has otherwise been granted employment authorization by the United States Immigration
and Naturalization Service.

4. Be a resident of the State of Mississippi for at least 6 months immediately preceding the date of application.

5. Provide information regarding prior experience in transportation of passengers

6. Provide taxi information regarding the number of vehicles, make, model, year, body style, state taxi or B-10 license tag number, vehicle identification number, seating capacity determined according to the manufacturer’s suggested seating capacity for each vehicle, and physical condition of the vehicles for hire the applicant desires to operate. The city clerk shall give a number to each vehicle which the owner shall cause to be painted or stenciled on two sides of said vehicles. Such vehicle shall be registered on or before the first day of February each year.

7. Provide pedicab information regarding the number of pedicabs, manufacturer’s name, manufacture’s serial or identification number, seating and weight capacity determined according to the manufacturer’s suggested seating and weight capacity for each pedicab, and physical condition of the pedicabs for hire the applicant desires to operate. The city clerk shall give a number to each pedicab which the owner shall cause to be painted, printed or stenciled on two sides and the back of said pedicabs. Such pedicabs shall be registered on or before the first day of February each year.

8. Not have been convicted, been on probation, parole, or served time on a sentence for a period of 5 years previous to the date of application, for the violation of any criminal offense, felony, or misdemeanor, of the city, of the State of Mississippi or any other state or of the United States. If at any time during the application process the applicant is charged with any criminal offense, consideration of the application shall be suspended until entry of a judgment or dismissal. A plea of nolo contendere to a criminal offense shall constitute a conviction.

9. Not have been convicted of three or more violations of the provisions of this article within a period of 2 years prior to the date of application.

All applicants for taxicab and or pedicab permits shall be approved by the Mayor and Board of Aldermen.

Sec. 118-22 – Driver Permits

All drivers of taxicabs or pedicabs shall obtain and maintain a permit issued by the city before driving a taxicab or pedicab upon the streets of the city. In order to secure a driver permit, an applicant must submit an application to the city clerk. Permits shall be posted in a prominent place immediately visible to a passenger and shall be renewed annually. The applicant must:

1. Be at least 21 years old for a taxi permit or 18 for a pedicab permit

2. Possess at least a Mississippi commercial “Class D” driver’s license for a taxi permit or at least a Mississippi regular operator “Class R” driver’s license for a pedicab permit.
3. Be a citizen of the United States or an alien admitted for permanent residence who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.

4. Not have been convicted, been on probation, parole, or served time on a sentence for a period of 5 years previous to the date of application, for the violation of any criminal offense, felony, or misdemeanor, of the city, of the State of Mississippi or any other state or of the United States. If at any time during the application process the applicant is charged with any criminal offense, consideration of the application shall be suspended until entry of a judgment or dismissal. A plea of nolo contendere to a criminal offense shall constitute a conviction.

5. Not have been convicted of three or more violations of the provisions of this article within a period of 2 years prior to the date of application.

All applicants for taxicab or pedicab driver permits shall be approved by the Mayor and Board of Aldermen.

**Sec. 118-23 - Revocation and Suspension**

The governing authorities may revoke or suspend any permit and may demand and require the return of any permit issued under the provisions of this article, upon proof satisfactory to the governing authorities that the holder of such permit, while owning or operating or while in charge of any taxicab or pedicab:

1. Was intoxicated, or noticeably under the influence of intoxicating liquor; or

2. Had knowingly disregard the speed regulations prescribed by law; or

3. Had been guilty of knowingly transporting intoxicating liquor; or

4. Had been guilty of disturbing the peace while engaged in operating a vehicle for hire; or

5. Had carried a concealed weapon in violation of the law; or

6. Had knowingly transported persons for the purpose of aiding any such persons to illegally gamble, or to engage in prostitution; or

7. Had violated any one (1) of the provisions of this article; or

8. Had violated any of the criminal laws of the City of Oxford or the State of Mississippi.

**Penalties.** The first violation of any provision of this article shall result in a thirty (30) day suspension of a taxicab or pedicab permit and/or driver permit and the second offense shall result in a twelve (12) month suspension.

**Immediate Suspension.** For due cause, in the event of a violation of the provisions of this article which results in a situation in which continued operation by a holder of a taxicab or pedicab permit and/or driver permit endangers the health, safety, or welfare of the general public, the permit may be immediately temporarily suspended by the Chief of Police or their designee. Notice of the temporary suspension shall be given immediately to the vehicle for hire permit holder and/or the driver permit stating the facts upon which the suspension is based and stating the appeals process.
Sec. 118-24 - Appeals

Any person aggrieved by a judgment or decision rendered by the city in the interpretation or enforcement of any provision or requirement of this article or any other applicable provision of the Code may appeal such judgment or decision in writing to the city clerk within ten days from the date of the violation to the next regularly scheduled meeting of the Mayor and Board of Aldermen.

Time limitations for Appeal. Any decision made by the Mayor and Board of Aldermen may be appealed within ten days from the date thereof in the manner provided by law for appeals from judgments or decisions of the governing authorities of municipalities.

Sec. 118-25 - Fares and Fees

All fares, seating capacity, and weight capacity for pedicabs shall be posted in a prominent place in such a way that it shall be immediately visible to passengers therein. A fare receipt shall be provided if requested by a passenger.

Fares

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
</table>
| Maximum of $10 per person for one trip and a maximum of $2.50 per person for each additional trip within the corporate limits of the City of Oxford.

Permit

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit</td>
<td>$500</td>
</tr>
</tbody>
</table>

Driver Permit

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driver Permit</td>
<td>$50</td>
</tr>
</tbody>
</table>

Driver Permit Renewal

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driver Permit Renewal</td>
<td>$25</td>
</tr>
</tbody>
</table>

Issuance of Duplicate Permit

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issuance of Duplicate Permit</td>
<td>$25</td>
</tr>
</tbody>
</table>

Sec. 118-26 - General Requirements

Taxi Requirements - Each taxicab shall be maintained in a clean condition and safe condition. There shall be no litter in the vehicle or trunk and the seats shall be kept clean and without holes or large wear spots. All vehicles shall present a clean environment for passengers. Drivers and companies shall be responsible for compliance with this section and shall be subject to random inspection to determine compliance.

All vehicles shall meet all requirements for obtaining a State of Mississippi inspection sticker and shall display said sticker. There shall be no tears or rust holes in the vehicle body and no loose pieces such as fenders, bumpers or trim hanging from the vehicle body. There shall be no unrepaired body damage or any body condition which would create a safety problem or interfere with the operation of the vehicle.

The company insignia or logo with company phone number shall be either permanently displayed or magnetically affixed to both sides of the vehicle with at least three-inch lettering and legible from a distance of at least 75 feet.

Any vehicle for hire operated within the city that violates any provision of this section shall be immediately removed from service and not reinstated until all violations are corrected.
Pedicab Requirements – No pedicab shall be operated as a pedicab unless it is single frame construction; in reasonably clean and safe condition; and does not have exposed rust, ripped upholstery or fabric or exposed wood that is not painted and in good condition.

The company insignia or logo with company phone number shall be either permanently displayed or magnetically affixed to the back and both sides of the pedicab with at least two-inch lettering and legible from the rear a distance of at least 50 feet and from the sides a distance of 30 feet.

Pedicabs shall have the following safety features

1. Passenger Seat belt (either one (1) seat belt for each passenger or one (1) seat belt that covers all passengers).

2. A lamp on the front that illuminates a person or vehicle at least fifty (50) feet to the front during nighttime.

3. Either a flashing or solid lamp on the front that emits a white light visible from at least five hundred (500) feet to the front during nighttime.

4. A red reflector on the rear visible from at least fifty (50) to three hundred (300) feet to the rear when reflector is directly in front of lawful motor vehicle upper beams during nighttime.

5. A lamp on the rear that emits a red light visible from at least five hundred (500) feet to the rear during nighttime.

6. A reflective strip no smaller than two (2) inches wide and thirty six (36) inches long affixed horizontally to the rear of the pedicab, no lower than the height of the rear wheel hub, visible from at least fifty (50) feet to the rear when the strip is directly in front of lawful motor vehicle upper beams during nighttime.

7. A braking system capable of stopping the pedicab.

8. A mirror located to reflect to the operator a view of the road at least two hundred (200) feet to the rear.

9. It is unlawful to operate a pedicab that is wider than fifty-four (54) inches at its widest point and longer than ten (10) feet at its longest point.

10. Turn signals

Any vehicle for hire operated within the City of Oxford that violates of any provision of this section shall be immediately removed from service and not reinstated until all violations are corrected.

Pedicab Operation

It shall be unlawful to operate a pedicap:
1. By riding other than on or astride a permanent and regular seat attached to the pedicab.

2. Carrying more passengers than the number of seats available, except that persons under five (5) years of age are excluded from this limitation if each child is sitting in the lap of an adult.

3. In a manner that results in damage to public property.

4. In a manner that results in colliding with a pedestrian.

5. Equipped with a siren or whistle.

6. While knowingly permitting another to attach their bicycle, coaster, sled, roller skates, skateboard, scooter or other rolling devices to the pedicab.

7. While carrying anything that prevents the operator from keeping at least one hand on the handlebars.

8. On a street without a designated bike lane when the street has a posted speed limit of thirty five (35) miles per hour or greater, except for crossing that street.

9. On a public sidewalk except when stopped to pick up or drop off passengers.

10. Without a clearly visible manufacturer's serial or identification number.

11. On a street or public area that has been ordered closed by the city.

12. While using a cell phone in any manner unless through the use of a hands free device.

13. No smoking is permitted in a pedicab any anytime.

14. All passengers shall be seated while pedicab is in motion.

15. No pedicab operator shall stop to load or unload passengers on the traffic side of the street, while occupying any intersection or crosswalk, or in such a manner as to unduly interfere with the orderly flow of traffic. All pedicab operators shall pull as close to the curb or edge of the roadway as possible to take on or discharge passengers.

Pedicab Parking

It shall be unlawful to park a pedicab;

1. At any bike rack owned by the city for more than two (2) hours. Any pedicab or pedicab trailer parked in violation of this section is subject to impoundment without notice by the city.

2. To use any public street, public property or right-of-way as a waiting area unless such area is specifically designated as vehicle for hire waiting or parking area.
3. In a legal motor vehicle parking space.

Sec.118-27 - Trip Log Required

No person shall operate or cause to operate on any street of the city any taxicab or pedicab unless the driver of said shall make and keep an accurate written record showing the following information with reference to the transportation of each passenger transported: the date, time and place that each such passenger entered and the destination to which each such passenger was taken. The place that the passenger entered and their destination shall be kept by listing the number and street address of the house or building at which or nearest which each such passenger entered and left. The written record shall be preserved by the company with which the driver is employed or contracted with as an independent contractor and kept readily available within the city for a period of 12 months and upon demand shall be exhibited to any official or police officer of the city.

Sec. 118-28 - Passengers

No driver of a taxicab or pedicab within the city shall refuse or neglect to convey an orderly person upon request, unless such driver is previously engaged, unable or forbidden by the provisions of this article to do so.

Sec. 118-29- Maximum Number

No driver of any taxicab or pedicab shall permit more persons to be carried than the seating capacity and/or weight capacity for pedicabs determined according to the manufacturer's suggested seating capacity. The seating capacity along with all fares shall be posted in a prominent place on the inside of the taxi or pedicab in such a way that it shall be immediately visible to passengers therein

Sec 118-30 - ADA Compliance

A taxi or pedicab service shall provide the same level of service to persons with disabilities as persons without a disability. A taxi or pedicab service and driver cannot deny service to an individual because of his or her disability if they are able to use a taxi or pedicab service. If the person with a disability is using a wheelchair or other mobility device that can be stowed in the taxi or pedicab, and the passenger can transfer to the vehicle seat, the driver and the taxi or pedicab service company must provide service. Drivers cannot refuse to assist with stowing the wheelchair. Drivers must also allow service animals in the vehicles or pedicab without any additional charges or fare. Also, no additional fare may be charged for the stowing of the wheelchair.

Sec. 118-31 - Violations

Any person, firm or corporation who shall own, operate, or cause to be operated in, on or upon the streets, avenues or alleys of the City of Oxford, Mississippi, any taxicab without first having obtained the permit required in this article, a current City of Oxford privilege license and without having first filed with the city clerk such insurance policy as provided in this article and any person, firm or corporation who shall violate any provision or section of this article, shall, upon conviction, be subject to a fine of not to exceed one thousand dollars($1,000), or to imprisonment of not to exceed ninety (90) days, or to both such fine and imprisonment. It shall be the duty of the municipal court to notify the
city clerk of any driving convictions in their court of any permitted vehicle for hire drivers.

REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herein shall be, and the same are hereby repealed.

EFFECTIVE DATE

All ordinances shall take effect and be in force as provided by law.

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting or the governing authorities of the City of Oxford Mississippi on motion of Alderman ____________, seconded by Alderman ____________, and the roll being called, the same by the following votes:

Alderman Hughes    voted
Alderman Tannehill  voted
Alderman Antonow    voted
Alderman Howell     voted
Alderman Taylor     voted
Alderman Mayo       voted
Alderman Morgan     voted

APPROVED, this day the __________________ of __________________, 2013

GEORGE G. PATTERSON, MAYOR

LISA D. CARWYLE, CITY CLERK