

AN ORDINANCE AMENDING CHAPTER 630 OF THE CITY CODE REGARDING VEHICLES FOR HIRE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHILLICOTHE, MISSOURI as follows:

Section 1: Chapter 630 of the City Code of the City of Chillicothe is amended as follows:

Chapter 630. Vehicles For Hire

Section 630.010 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

DRIVER

Every person physically in charge of or driving a Vehicle for Hire.

LICENSEE

The privilege granted by the City to a person to engage in the operation of a Vehicle for Hire business within the City.

OWNER

Any person having control of the operation or maintenance and collection of the revenue of vehicles for hire.

PERMIT

A business license issued by the City to the operator of a vehicles for hire.

STREET

Any street, alley, avenue, lane, public place or highway in the City.

TRANSPORTATION NETWORK VEHICLES

Transportation Network Companies (TNC) such as UBER and LYFT. TNC companies and TNC drivers are required to obtain a license from the Department of Revenue and are exempt from obtaining a city license.

VEHICLE FOR HIRE

All motor vehicles operated as public carriers of passengers for hire on an on-call basis for a fixed rate or a rate based upon the time or distance of use but shall not include transportation network vehicles. Vehicles for hire also include any vehicle operated to or from a motel or hotel which is designed to carry patrons of the motel and hotel to or from fixed locations in the city, or any vehicle used by an establishment arranging sightseeing or other similar tours for the purpose of transporting patrons of such establishment without charge. A person transports passengers for hire if he provides transportation for passengers and derives therefrom, directly or indirectly, any financial benefit.

Section 630.020. Identification of Vehicles.

Every person owning and operating a vehicle for hire under the provisions of this Chapter may adopt a trade name, design, color scheme or method of painting or lettering such vehicles that is approved by the Chief of Police. Such trade names, designs, color schemes or method of lettering shall include the name of the owner or the trade name under which it or he/she does business and shall appear on each side of the vehicle. All lettering or wording shall be at least two (2) inches in height and shall be clearly visible for each side of the vehicle.

Section 630.030. Maintenance of Vehicles

It shall be unlawful for any person to operate upon any street in the City any vehicle for hire unless such vehicle shall at all times be maintained in good mechanical condition. Every vehicle governed by this article shall be kept in clean and sanitary condition. Every vehicle shall be kept in such condition of repair as may be reasonably necessary to provide for the safety of the public and for continuous and satisfactory operation.

Section 630.040. Maximum Seating

It shall be unlawful for any owner or operator of a vehicle for hire to permit more than one (1) passengers ride in the front seat with the driver. There shall not be more passengers than that recommended by the manufacturer of the vehicle, including the driver, carried in a vehicle at one time.

Section 630.045. Use and Possession of Intoxicating or controlled substances; Smoking

No vehicle for hire owner, driver or employee while on duty, shall have in his possession intoxicating liquor or non-intoxicating beer or controlled substance or drink or consume such items while on duty. No driver shall knowingly purchase, carry or transport intoxicating liquor or nonintoxicating beer or controlled substances. However, a passenger may have in his possession containers of intoxicating liquor or nonintoxicating beer.

Smoking by drivers and passengers shall be prohibited in vehicles for hire while the driver is engaged in transporting passengers for hire.

Section 630.050. Penalties for Violations

Any person, firm, corporation, LLC, entity or partnership, driver, licensee, owner, person holding a city license or person operating without a valid city license that violates any of the provisions of this Chapter pertaining to vehicles for hire shall be guilty of an ordinance violation and upon conviction shall be punished under the provisions of Section 100.340 of this Code of Ordinances of the City of Chillicothe, Missouri.

Article II. License

Section 630.060. Required

No person shall engage in, operate or conduct a vehicle for hire business within the city without first paying for a City business license therefore and obtaining a City business license.

Section 630.070. Unlicensed Activities Restricted

Any vehicle for hire not licensed under the provisions of this Article shall be allowed to transport passengers from outside the City limits to destination within the City, provided however, it shall be unlawful for any such vehicle for hire to pick up any passengers or accept any other business within the City for any destination in or outside of the City.

Section 630.080. Application

- A. Any person desiring to secure a license to engage in, operate or conduct a vehicle for hire business within the City shall file with the City Clerk a written application therefore giving the following information:
1. The full name and address of the applicant; if partnership, limited liability company or other entity, the name and address of all owners; if a corporation, the name and address of all the officers and directors, the trade name under which the applicant does or purposes to do business and the address of the principal place of business of the applicant.
 2. The number of vehicles for hire owned by the applicant and the number of vehicles for hire leased.
 3. The make and model, vehicle identification number and the registered owner of each vehicle.
 4. The experience, if any, the applicant has had in such business.
 5. The names and copy of the driver's license for each driver the applicant will use in its business.
 6. If the vehicle carries 16 or more including the driver, then the driver has to have a commercial driver's license.

Section 630.090. Liability Insurance – Required

- A. Before any license or permit is issued for the operation of a vehicle for hire, the company shall file with the City Clerk a policy of insurance issued by an insurance company duly licensed to transact business in Missouri, covering separately or in a schedule attached to such policy each vehicle licensed or permitted to be operated under the direction and control of such company. Such policy shall cover legal liability for bodily injuries or death of one person to the extent of \$50,000 and subject to such limits as to injury or death of one person of \$100,000.00 on account for any one accident resulting in injuries to or death of more than one person and of \$25,000.00 for damage to property on account of any one accident.

- B. All such policies shall provide that they may not be cancelled unless written notice of proposed cancellation is delivered to the City Clerk at least 30 days prior to the date of the proposed cancellation. If the vehicle for hire company licensee, permittee, or other responsible party shall fail within the period specified in such notice of cancellation to provide proof of insurance as provided in subsection (A) of this section, then the license or permit affected by such cancellation may be revoked as of the day such insurance ceases to be in force and effect, and thereafter it shall be unlawful for such owner or other responsible party to operate any vehicle for hire in the city. If the vehicle for hire company or responsible third party shall file a policy of insurance as required by this section within 30 days after the date of such revocation, then such revocation shall be lifted.
- C. All vehicle for hire companies shall annually file with the City Clerk a list showing the year, make, model, VIN number, record of owner and company providing insurance coverage for each and every vehicle in service under a license or permit. No vehicle shall be placed in service or permitted to operate under the vehicle for hire license unless it is shown on such list within 30 days of being placed in service.

Section 630.100. Liability Insurance

The liability insurance policy required by this Article shall at all times be in full force and effect during the period of time for which such license has been issued. If for any reason such insurance policy be cancelled or be not in force or effect during the period of time for which the license has been issued, then the license shall be revoked immediately and without notice to the licensee or owner.

Section 630.110. Issuance of License

Upon satisfactory completion of all requirements set forth, the City Clerk shall grant the applicant a license to operate a vehicle for hire within the City. It shall be the duty of the licensee to promptly notify the Clerk if any changes occur which would affect the status or validity of the license issued. A failure to do so will constitute grounds for revocation or suspension of said license.

Section 630.120. Issuance

After the applicant has been granted a license under this Chapter and after the applicant has filed the required insurance policy with the City Clerk together with the business license fee (\$25.00 per vehicle) the City Clerk shall then issue such license to applicant. City Clerk shall keep a record of the number of vehicles issued to each license together with the make, model, and motor number for which each was issued. The license fee shall not be prorated for a partial year or refunded in the event of termination of the license or cessation of the business.

Section 630.130. Duration

All licenses provided for shall be renewed annually. The license period shall be from April first (1st) through the succeeding March thirty-first (31st).

Section 630.140. Renewal

For those licensees that have been in business continually for the one (1) year period immediately preceding the renewal date, no new application need be submitted to the City Clerk for such licensees and a new license will be issued upon payment of the required fee as set forth and proof of insurance. Otherwise, the application procedure set forth above must be followed.

Section 630.150. Transfer from Vehicle to Vehicle

In the event an owner of a licensed vehicle for hire shall cease to own the same or in the event that such vehicle shall become unsuitable for operation, or the owner shall desire to substitute another vehicle, an affidavit for such an effect shall be filed with the City Clerk who shall transfer the license to any other vehicle belonging to such owner providing that such vehicle is of the same class.

Section 630.160. Transfer From Owner to Owner

No vehicle for hire shall be transferred from one owner to another without the prior approval of the City.

Article III. Drivers

Section 630.165. Drivers

- (a) A vehicle for hire company shall be responsible for conducting a background check prior to allowing a driver to provide transportation for hire services. A vehicle for hire company shall, at a minimum, verify that all drivers meet the following requirements:
- (1) The driver is at least 18 years of age.
 - (2) The driver has all required licenses under the laws of the state to operate a vehicle for hire.
 - (3) The driver has not been convicted within the past seven years of:
 - a. Any felony, or
 - b. Misdemeanor involving driving under the influence, reckless driving, hit and run, or any other driving related offenses or any misdemeanor violent offenses or sexual offense.
 - (4) The driver is not a match in the United States Department of Justice Sex Offender Public website; and
 - (5) The driver has not had more than three moving violations in the prior three-year period of time, or one of the following major violations in the prior three-year period of time:
 - a. Attempting to evade the police;
 - b. Reckless driving; or
 - c. Driving on a suspended or revoked license
- (b) Vehicle for hire companies shall establish a zero-tolerance policy on the use of drugs or alcohol while its drivers are providing transportation for hire.
- (c) Vehicle for hire companies shall promptly suspend any of its drivers from transporting passengers for hire upon receiving a valid passenger complaint concerning a driver and shall conduct a commercially reasonable investigation to determine whether the complaint is valid. Such suspension shall be for at least the time period reasonably necessary for the vehicle for hire company to investigate the complaint.
- (d) Vehicle for hire companies shall not knowingly allow any driver to provide transportation for hire for the company if that driver is currently suspended by another vehicle for hire company or that driver has been removed or prohibited by that company from transporting passengers for hire.
- (e) Vehicle for hire shall keep and maintain detailed records relevant to the requirements of this section for the purposes of documentation and verifying enforcement and shall promptly make all such records available to the Chief of Police upon request.
- (f) If a person files a complaint with the city against a driver or a vehicle for hire company, or if the city is investigating non-compliance or a code violation, the city may inspect the vehicle for hire company's records as reasonably necessary to investigate and resolve any complaint or violation. The director shall provide at least 10 days' notice to the company prior to the inspection.
- (g) Vehicle for hire shall make the drivers identification available to passengers by posting the drivers identification in a conspicuous manner inside the vehicle for hire.

Section 630.170. Suspension, Revocation

The City Clerk may suspend or revoke any license issued under the provisions of this Article for the violation by the licensee or the employees of the licensee of any applicable provision of this Code of Ordinances, State law or City Ordinances, rule or regulation. Upon any suspension or revocation as set forth herein, the licensee shall be entitled to a hearing on same before the City Council. If a hearing is to be requested, licensee shall provide written notice to the City Clerk within five (5) days from the date of any suspension or revocation, Upon receipt of said notice, the Council, in due course, shall proceed to conduct a hearing to review said suspension or revocation. Any person may appear and be heard concerning the action by the City. After hearing the evidence presented, the City Council shall, in its discretion, decide whether the license should be suspended or revoked.

Section 630.180. Articles Left in Vehicles

Drivers of vehicles for hire shall promptly deliver to the Police Department all objects of value left in the vehicle by passengers.

Section 630.190. Solicitation of Passengers

No driver of a vehicle for hire shall solicit passengers on public streets or in quasi-public places either by motion of hand or by mouth. The driver of any vehicle for hire shall neither solicit or accept passengers in any manner on public streets or quasi-public places.

Article IV. Rates and Charges

Section 630.210 Display

Each and every vehicle for hire operator on the streets of the City shall have affixed thereto at a location in plain view of any passenger therein a place card setting out the rates for vehicle for hire services and such rates shall be so shown thereon as to be readily visible to and readable by any occupant of such vehicle for hire.

Section 2: The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid one, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 3: This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

Section 4. It is the intent of the City Council that this Ordinance be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the City Council.

Section 5 : This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 9th DAY OF AUGUST 2021.

CITY OF CHILLICOTHE, MISSOURI

Theresa Kelly, Mayor

ATTEST:

Rozanne Frampton, City Clerk