

Ordinance No. BL2012- 281

An ordinance amending Chapters 1.24, 2.100, 6.72, and 12.54 of the Metropolitan Code relating to the Transportation Licensing Commission, including a provision that the inspectors and Director of the Transportation Licensing Commission be employed by the Metropolitan Department of Public Works.

WHEREAS, Metropolitan Code Chapter 2.100 ("Transportation Licensing Commission Ordinance") establishes the duties and responsibilities of the positions of director and inspectors, created therein, in providing staffing assistance to the Transportation Licensing Commission ("TLC"); and,

WHEREAS, a study was done of the regulation of taxicabs and other passenger vehicles for hire, led by RPM Transportation Consultants, and resulted in a report dated July 2, 2012 (the "Consulting Report"), which concluded that moving TLC staff into an existing Metropolitan Government department would provide additional accountability and oversight, would result in some economies of scale and sharing of staff resources that could assist TLC staff during peak periods, and could result in some additional cost-savings; and,

WHEREAS, the Consulting Report further concluded that the Department of Public Works is the department with responsibility for activity on public rights of way, and therefore is the logical unit to staff the TLC; and,

WHEREAS, an amendment to Chapter 2.100 of the Metropolitan Code to effectuate a transfer of the TLC staff into the Department of Public Works is in the best interest of the Metropolitan Government; and,

WHEREAS, it is efficient to simultaneously effect some additional revisions to other sections of the Metropolitan Code relating to the TLC to make them more consistent with this change and with other law.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Metropolitan Code Sections 2.100.030, 2.100.050 and 2.100.055 are hereby amended by deleting them in their entirety and replacing them with the following:

2.100.030 - Jurisdiction—Licensing and rulemaking authority.

The metropolitan transportation licensing commission, with the support of its staff employed by the department of public works, shall have exclusive jurisdiction over the licensing and regulation of all vehicles for hire, including, but not limited to, taxicabs, wreckers, sedans, limousines, horse drawn carriages, and other passenger vehicles for hire and persons or businesses engaged in the practice of "booting" vehicles. The metropolitan transportation licensing commission, along with the metropolitan

department of public works, in its role providing and employing the staff to the transportation licensing commission, shall collectively constitute the only administrative agencies for the administration of all laws and ordinances relating to the licensing and regulation of vehicles for hire and booting services. For purposes of this chapter, "booting" means to attach any device to a vehicle that prevents the vehicle from being driven.

- A. There is imposed upon such Commission the authority, power and duty to adopt, promulgate and enforce such rules and regulations to carry out the provisions of Chapters 12.54, 6.72, 6.74, 6.80 and 6.81 of this code, and such chapters concerning vehicles for hire as may be later enacted, which the Commission deems necessary for the proper and safe operation of any business providing vehicle for hire services; provided, that such rules and regulations shall not conflict with any laws of the state, the Charter or any ordinance of the metropolitan government, nor shall such rules and regulations exceed the limits of authority granted to such Commission by Chapters 12.54, 6.72, 6.74, 6.80 and 6.81, or any other chapter later enacted.
- B. There is imposed upon such Commission the authority, power, and duty to license all persons who may engage in the activity or business of providing vehicle for hire service to the residents and visitors of the metropolitan government and to require a permit for each vehicle for hire operated by a licensee and individual permits for each driver and/or driver helper of a taxicab, wrecker, limousine, sedan or other vehicle for hire.
- C. The commission shall fix and hold a public hearing with respect to the rules and regulations to be adopted by it as provided in subsection A of this section or any proposed amendments to such rules and regulations. Such rules and regulations or any amendments thereto shall be approved by the metropolitan department of law as to form and legality, and the same shall then be filed with the secretary of the Metropolitan Transportation Licensing Commission and with the metropolitan clerk. After such rules and regulations or any amendments thereto of the Commission have been so adopted in the manner herein provided, such rules and regulations shall have the force and effect of law.

2.100.050 - Transportation inspectors.

The Department of Public Works, on behalf of the metropolitan transportation licensing commission, subject to the civil service provisions of the Charter, is empowered to employ suitable persons as inspectors, their compensation to be fixed by the general pay plan of the metropolitan government. The Department of Public Works, on behalf of

the Commission, shall prescribe the duties of such inspectors so as to enforce the applicable provisions of this chapter and Chapters 12.54, 6.72, 6.74, 6.80 and 6.81 of this code and such other chapters of this code relative to vehicles for hire as may later be enacted. The Department of Public Works shall furnish the civil service commission with information pertinent to the classification of inspectors and shall certify the minimum and maximum salary range payable to the persons performing such duties and, upon approval by the civil service commission and the metropolitan council, the same shall become a part of the pay plan for the classified service.

2.100.055 - Director.

The Department of Public Works, on behalf of the metropolitan transportation licensing commission, subject to the civil service provisions of the Charter, is hereby empowered to employ a director of the metropolitan transportation licensing commission, his or her compensation to be fixed by the general pay plan of the metropolitan government (the "Commission Director"). Such commission shall prescribe the duties of the Commission Director so as to promulgate and enforce the applicable provisions of this chapter and Chapters 12.54, 6.72, 6.74, 6.80 and 6.81 of this code and such other chapters of this code relative to vehicles for hire as may later be enacted. The Department of Public Works, on behalf of the Metropolitan Transportation Licensing Commission, shall furnish the civil service commission with information pertinent to the classification of the Commission Director and shall certify the minimum and maximum salary range payable to the person performing such duties and, upon approval by the civil service commission and the metropolitan council, the same shall become a part of the pay plan for the classified service.

Section 2. The paragraph of Section 6.72.010 of the Metropolitan Code containing the definition of "Metropolitan transportation licensing commission" be deleted in its entirety and replaced with the following:

"Metropolitan Transportation Licensing Commission" means the administrative agency of the metropolitan government that, along with the department of public works serving in its role of providing staff to the commission, has exclusive jurisdiction over the licensing and regulation of all vehicles for hire as set forth in Chapter 2.100 of this code.

Section 3. The fourth, fifth and sixth paragraphs of Section 12.54.010 defining "Commission," "Commission Director," and "Commission Inspector" respectively are hereby deleted in their entirety and replaced with the following:

"Commission" (unless otherwise described) means the metropolitan transportation licensing commission as established by the Metropolitan code.

"Commission director" means the director/executive secretary of the transportation licensing commission, as employed by the metropolitan department of public works on behalf of the commission.

"Commission inspector" means an employee of the metropolitan department of public works engaged by that department on behalf of the metropolitan transportation licensing commission, authorized and trained to inspect horses and horse-drawn carriages, and/or taxicabs, wreckers, limousines, sedans and other passenger vehicles for hire.

Section 4. Metropolitan Code of Laws Section 1.24.030 is hereby deleted in its entirety and replaced with the following:

1.24.030 - Authority to issue citations—Enforcement procedures—Failure to answer a citation—Penalties.

- A. Whenever an employee of the metropolitan government is charged with enforcing a specific law, ordinance or code of the metropolitan government, including but not limited to enforcement personnel of the health department, board of parks and recreation, public works department, codes administration, fire marshal, traffic and parking commission, beer board and transportation licensing commission; such employees may issue citations for persons found to be violating the particular ordinances of the metropolitan code which the aforesaid employees are employed to enforce.
- B. When any person is charged with an ordinance violation in the metropolitan government jurisdiction and an ordinance citation is issued to such person on such violation, it shall be the duty of the metropolitan court in which such case is set for trial to try the same without the issuance or service of a warrant upon such defendant, provided the defendant has signed a waiver on such citation agreeing to come to court and waiving the issuance and service of a warrant upon him.
- C. Whenever a metropolitan government employee as described above in subsection A. of this section, issues to a person cited for the violation of a metropolitan ordinance a citation to appear in court on a date and time specified, that person's failure to appear to answer the citation in court at the specified time shall constitute an additional offense, punishable by a fine of fifty dollars, and the court shall be authorized to issue a bench warrant based upon the person's failure to appear.
- D. Any fine imposed under the provisions of this section shall be in addition to any fine imposed for violating any ordinance for which the person was originally cited to appear in court.

- E. Failure to answer a citation for a violation of an ordinance, resolution, rule, regulation, or order of the metropolitan government within forty-five days or to appear at a scheduled court date on the citation shall result in the fine amount being increased to fifty dollars for each violation.

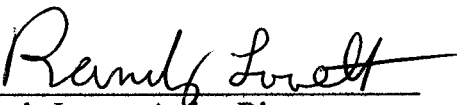
Section 5. Any provision of any ordinance of the Metropolitan Government of Nashville and Davidson County which conflicts, in whole or in part, with any provision of this ordinance is hereby repealed to the extent such conflict exists.

Section 6. Should any court of competent jurisdiction declare any section, clause or provision of this Ordinance to be unconstitutional, illegal or unenforceable for any other reasons, such decision shall affect only such section, clause or provision so declared unconstitutional, illegal or unenforceable and shall not affect any other section, clause or provision of this Ordinance, it being the intent of the Metropolitan Council that all other provisions of this Ordinance remain in full force and effect.

Section 7. That the Mayor, with the assistance of the Director of the Department of Public Works, the Director of Personnel, and management staff of the Transportation Licensing Commission, are hereby directed to develop procedures to assure an orderly transition and transfer of the functions and property directed by this Ordinance.


Section 8. This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.


RECOMMENDED BY:



Randy Lovett, Acting Director
Department of Public Works

INTRODUCED BY:





Council Member(s)

APPROVED AS TO AVAILABILITY OF FUNDS:



Richard M. Riebeling
Director of Finance

APPROVED AS TO FORM AND LEGALITY:



Assistant Metropolitan Attorney