

Chapter 27

VEHICLES FOR HIRE

- Art. I. Taxicabs, secs. 27-1 --- 27-13
- Art. II. Horse-drawn vehicles, secs. 27-14 --- 27-36
- Art. III. Limousines, secs. 27-37 ---27-46

Article I. Taxicabs

Sec. 27-1. Permits---Rules generally.

A. Required; application. It shall be unlawful for any person to own or operate any taxicab, for the intent of carrying passengers for hire over, in, and upon or across any of the public streets, avenues, alleys or other public passageways in the City of Hattiesburg, Mississippi, unless and until such person shall first have obtained a permit from the governing authorities of said city authorizing such person to own or operate such taxicab, in said city in the manner hereinafter provided. Any person desiring to obtain a permit authorizing the ownership or operation of a taxicab used or to be used for carrying passengers for hire in, into, from, within or through the corporate limits of the City of Hattiesburg, Mississippi, shall make application for such permit in writing to the governing authorities of said City setting forth the full and true name, age, residence, street, and post-office address of the applicant for such permit. Said application shall show the place of residence, nationality, citizenship, employment, and the name or names of the employers of the applicant for a period of not less than five (5) years next preceding the date of the filing of the application for such permit. Such application shall contain the name, address and phone number of at least three reputable citizens of the state, county and community in which the applicant resides stating that the applicant is personally known to such citizens and the time they have known him; that the applicant is a person of good reputation in the community in which he resides, or in the community in which the applicant has resided during the five (5) years next preceding the date of the filing of said application, and that the applicant is physically and mentally capable of owning or operating a taxi- cab for carrying passengers for hire upon the public streets of the City of Hattiesburg, Mississippi.

The applicant must:

1. Be at least 21 years of age.
2. Be a citizen of the United States or an alien admitted for permanent residence or who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.

In order to maintain a permit to drive a vehicle for hire, a driver must:

1. Wear proper dress while operating a vehicle for hire. As used in this section, the term "proper dress" shall mean shoes, pants to ankle length or shirt or dress and shirt or blouse with sleeves and collar. Clothing shall not be visibly soiled.
2. Not smoke or play a radio or tape player if objected to by a passenger.
3. Drivers must provide the City Clerk's office with the notice of any change of address

within five days of such change.

4. Companies shall be responsible for the compliance of their affiliated drivers with this section. Failure of a driver to comply may result in the issuance of citations to both the driver and the company and drivers shall be subject to random inspection to determine compliance.

After the initial issuance of a permit, the permit shall be renewed by the driver upon the expiration and upon the providing of proof that the driver continues to possess the requirements necessary to obtain and maintain a permit.

B. Records check to accompany application. Such application shall also be accompanied by a records check done by the Chief of Police of the City of Hattiesburg, Mississippi, consisting of fingerprinting and a photograph, which will make up a permanent identification sheet, to be on file at the Hattiesburg Police Department.

Cross references--Streets and sidewalks, Ch. 23; traffic, Ch. 25.

C. Identifying information to be furnished. Said application shall also set forth the make, model, type, and motor number of the taxicab which the applicant proposes to own or operate if granted a permit so to do; the name of the owner of such taxicab, and the name or names and addresses of the person or persons, if any, having liens or encumbrances thereon; and the name and location of the person, firm or corporation for whom such taxicab will be owned or operated.

D. Filing, hearing of application. Every such application shall be filed with the Clerk of the City of Hattiesburg, Mississippi, who shall place the same before the next special or regular meeting of the governing authorities of said city, whereupon inquiry and investigation may be made by the governing authorities of said city to determine the fitness or not of the applicant. For the purpose of making such inquiry and investigation, the governing authorities of said city may continue the hearing of said application for a reasonable time.

E. Issuance of permit; term; badge. When any such permit is granted, the applicant therefor shall be furnished by the Clerk of said City, a written certificate of such permit, which said permit shall have a number thereon, to be signed by the Mayor of said City, but every such permit shall be issued subject to all the provisions of this article and effective for one year from date of issuance. The applicant, upon the granting of such permit, shall also be furnished a metallic badge, which said badge shall have a number thereon and the name of the City of Hattiesburg, Mississippi, and which shall remain the property of the City of Hattiesburg and shall be returned to the City upon the expiration of such permit or in the event of such permit's prior cancellation for any cause.

F. Reapplication fees. The instances below constitute reapplication following the complete application procedure, including the fee specified under the provisions of this article:

1. Upon the expiration of permit and badge.
2. When the owner or operator loses a badge.
3. When the owner replaces the vehicle originally registered.

G. Permit to be posted. Every person to whom a permit is granted under the provisions of this article, and every person who drives or owns or operates any taxicab to be used or intended

for use in carrying passengers for hire within the corporate limits of the City of Hattiesburg, Mississippi, shall at all times have the photograph, true name, name of employer, if any, and permit number of such person, driver or operator posted and displayed in a conspicuous place in such taxicab then being owned or operated by such person. The "conspicuous place" where such photograph, names and number must be posted and displayed is any such place within such taxicab as may be easily and readily and plainly seen by any person of normal vision occupying any seat or other position in any such taxicab.

H. Fee. To cover the cost of printing and issuing the permit and badge, the City may collect from the applicant a fee of twenty-five dollars (\$25.00) which shall be retained by it.

I. Appeal upon denial of application. In the event the governing authorities order that the application for any such permit be refused and denied, any such applicant may prosecute an appeal from said order in the manner provided by law for prosecuting appeals from the orders of the municipal authorities. (Ord. 2705, sec 1, 10-19-99; Ord. 2290, sec. 1, 5-17-88; Ord. 2157, sec. 1, 7-10-84)

Sec. 27-2. Transferability of taxicab permit.

It shall be unlawful for any owner or operator who secures a permit and badge under the provisions of sec. 27-1 hereof to transfer such permit or badge to any other owner or operator or to any other person whomsoever, and it shall likewise be unlawful for any person to use the permit or badge of any other person while owning or operating a taxicab for hire.

Any driver who intends to change companies for which he is permitted to drive must present his driver's permit to the City Clerk's office so that the permit may be replaced with a substitute permit reflecting such change in affiliation. Under no circumstances shall a driver drive for the company with which he intends to affiliate before obtaining a substitute permit from the City Clerk's office. A fee of fifteen dollars (\$15.00) shall be imposed upon the driver for each such transfer. (Ord. 2705, sec. 2, 10-19-99; Ord. 2157, sec. 2, 7-10-84)

Sec. 27-3. Suspension or revocation of taxicab permit; appeals.

A. The governing authorities may revoke or suspend any permit and may demand and require the return of any badge, issued under the provisions of sec. 27-1 hereof, upon proof satisfactory to the governing authorities that the holder of such permit and badge, while owning or operating or while in charge of any such taxicab for carrying passengers for hire:

1. Was intoxicated, or noticeably under the influence of intoxicating liquor; or
2. Had knowingly disregarded 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 or driving such taxicab for carrying passengers for hire; or
5. Had carried concealed weapons in violation of law; or
6. Had knowingly transported persons for the purpose of aiding any such persons to illegally gamble, or to engage in prostitution, or to obtain intoxicating liquor; or
7. Had violated any one (1) or more of the provisions of this article; or

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

B. In the event proof is submitted to the governing authorities causing them or any one (1) or more of them to believe that good cause exists for the revocation or suspension of any such permit and for the return of any such badge, the governing authority shall give notice, in writing, to the person to whom said permit and badge were issued, directing him to appear before the governing authority within five (5) days from the date of such notice and the service or mailing thereof and show cause, if any he can, why said permit should not be revoked or suspended, and said badge ordered returned. If the person to whom said permit and badge was issued cannot be located so as to be personally served with such notice, the same may be served by sending a copy thereof by registered mail to the last known address of such person, and the address, if any, stated in the application for any such permit and badge, may be relied upon as being the last known address of the applicant therefor. In the event such applicant can be found within the corporate limits of the City of Hattiesburg, the Chief of Police or any policeman of the City of Hattiesburg may personally serve said notice. In the event such person fails to appear before the governing authority within the time therein provided, or in the event he appears but fails to show cause as aforesaid, the governing authorities may in either of said events, at any special or regular meeting of the governing authority held more than five (5) days after the service or mailing of such notice, revoke or suspend the permit and order the return of said badge.

C. The failure, neglect or refusal to surrender any permit which has been revoked or suspended, or any badge that has been ordered returned, to the governing authority within the five (5) days from the date of such revocation, suspension or order to return, shall constitute and be a violation of this article.

D. Any person whose permit to own or operate a taxicab for hire for carrying passengers has been revoked or suspended, or whose badge has been ordered returned as herein provided, may prosecute an appeal from any such order of revocation, suspension, or for the return of such badge in the manner provided by law for prosecuting appeals from the orders of the governing authority, but any such appeal shall not operate as a supersedes of said order. (Ord. 2705, sec. 3, 10-19-99; Ord. 2157, sec. 3, 7-10-84)

Sec. 27-4. Registration of taxicab; identification of vehicles.

A. Each and every taxicab used for carrying passengers for hire within or in the corporate limits of the City of Hattiesburg, Mississippi, shall be registered with the clerk of said municipality before the commencement of such use of any such motor vehicle, and every such motor vehicle continued in such use shall be re-registered with such clerk on or before the first day of February each year. The person, firm or corporation operating or causing to be operated any such taxicab within or in the corporate limits of said city at the time of registering and re-registering the same shall give the name and address of the owner and operator of such taxicab, and the make, model, type, motor number and state license tag number thereof, and the clerk of said city shall keep a record of said registrations in a book kept in his office for that purpose, and the clerk shall, upon the registration of such taxicab, give the same a number, which number shall be placed and kept upon such motor vehicle as hereinafter provided. Such number shall not be required to be changed at subsequent registrations.

B. Each and every person, firm or corporation owning or operating or causing to be owned or operated within or in the corporate limits of the City of Hattiesburg, Mississippi, any taxicab used for carrying passengers for hire shall, before commencing or causing to be commenced the operation of any such taxicab for the use aforesaid, place or cause to be placed upon every such

taxicab the name or trade name of the person, firm or corporation who has given bond or furnished insurance covering the operation of such taxicab as required by sec. 27-8 of this article, and in addition thereto the registration number of such taxicab, and shall at all times such taxicab is so used keep said name and number on such taxicab as follows, to-wit:

1. The name of such person, firm or corporation shall be painted on each side and on the back of every such taxicab, at a place plainly and easily visible, in letters not less than three (3) inches in height, such name to be the same name as that under which the principal or insured in said bond or policy of insurance is operating said taxicab.
2. The registration number of such taxicab shall be painted and kept on each side and on the back of every such taxicab, directly under the name of the person, firm or corporation who has given bond or furnished insurance covering the operation of such taxicab as elsewhere herein provided, in figures not less than three (3) inches in height.

The interior of each vehicle for hire shall be maintained in clean condition, free of foreign matter and offensive odors. 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 safety 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. The vehicle shall be uniform in color. 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. (Ord. 2705, sec 4, 10-19-99; Ord. 2157, sec. 4, 7-10-84)

Sec. 27-5. Persons prohibited from operating a taxicab.

A person under the age of twenty-one (21) years, or a person who habitually uses intoxicating liquors, or narcotics, or other habit forming drugs, or a person who is physically or mentally incompetent for any reason whatsoever is hereby prohibited from owning or operating a taxicab used for carrying passengers for hire within the corporate limits of the City of Hattiesburg, Mississippi. (Ord. 2157, sec. 5, 7-10-84)

Sec. 27-6. Taxicab stands; dispatcher's license; fee.

A. No person, firm or corporation, or the employee or employees thereof, engaged in owning, operating or causing to be operated any taxicab used or to be used or intended for use in carrying passengers for hire shall use or cause to be used any of the public streets, avenues, alleys, sidewalks or other public passage ways or portions thereof in the City of Hattiesburg, Mississippi, as a station or stand for carrying on the business of any such person, firm or corporation, but each and every person, firm or corporation engaged in carrying on the business of owning or operating a taxicab for carrying passengers for hire in the City of Hattiesburg, Mississippi shall have a fixed place of business at some location other than on or

in the public streets, avenues, alleys, sidewalks or other public thoroughfares of the city.

B. No person, firm or corporation engaged in owning, operating or causing to be operated any taxicab used for carrying passengers for hire within said city shall cause or permit any such

taxicab to be parked or to stand on any of the public streets, avenues, alleys, sidewalks or other public passage ways within the city, except when actually engaged in receiving or discharging passengers, or when actually waiting for or following the instructions of a passenger or passengers who have immediately theretofore engaged such taxicab. It is declared to be the express purpose and intent of this provision of this article to stop and prohibit the practice of some persons in monopolizing the use of the public streets or portions thereof in said city to the inconvenience and disadvantage of the general public.

C. It shall be a violation of this article for the owner of a taxicab company used for carrying passengers for hire, to engage in operating such company without first having obtained a dispatcher's privilege license for which the tax department shall collect a fee of twenty-five dollars (\$25.00). (Ord. 2157, sec. 6, 7-10-84)

Sec. 27-7. Solicitation of patronage while taxicab in operation.

It shall be unlawful for the owner or operator of any taxicab used for carrying passengers for hire, while engaged in operating any such taxicab to solicit patronage, trade or a passenger or passengers on the public streets, avenues, alleys or sidewalk within the corporate limits of the City of Hattiesburg, Mississippi, and it shall be unlawful for any such owner or operator of any such taxicab being used for the purpose aforesaid to accost any person located upon any such street, avenue, alley or sidewalk for the ostensible purpose of inducing such person to become a passenger in any such taxicab. (Ord. 2157, sec. 8, 7-10-84)

Sec. 27-8. Insurance requirements; cancellation notice.

Except as herein otherwise expressly provided, no person, firm or corporation shall operate or cause to be operated on any of the streets, avenues, alleys, sidewalks or other public passage ways within the corporate limits of the City of Hattiesburg, Mississippi, any taxicab used for carrying passengers for hire, unless and until such person owning or operating or the person, firm or corporation causing the operation of such taxicab shall have first secured liability insurance covering each such taxicab, with, from and in some reputable and solvent insurance company to be approved by the governing authorities of the City of Hattiesburg, Mississippi, providing insurance and indemnity in the event of injuries or damages occasioned by the negligent operation of any such taxicab, in the sum of not less than fifty thousand dollars (\$50,000.00) for any one (1) person so injured and not less than one hundred thousand dollars (\$100,000.00) for all persons so injured in any one accident or collision in which such taxicab shall be involved, and in the sum of not less than twenty-five thousand dollars (\$25,000.00), for property damage sustained by any person or persons as a result of any such accident or collision and occasioned as aforesaid. The policy or policies of insurance, together with the receipt or receipts showing the payment of premiums thereon so as to have said insurance in effect, shall be deposited and filed with the clerk of the City of Hattiesburg, Mississippi, before any such taxicab shall be owned or operated in said city. No such insurance shall be canceled for the nonpayment of premiums or otherwise until after the expiration of ten days' written notice has been received by the clerk of the City of Hattiesburg, Mississippi, of the contemplated cancellation of such insurance by the person, firm, association, company or corporation which issued such policy or policies of insurance. Any and all such policies of insurance shall inure to the benefit of any person, firm or corporation negligently injured or damaged by the person, firm or corporation owning or operating or causing any such taxicab to be so operated, subject, however, to the terms hereinafter appearing. (Ord. 2160, sec. 2, 8-14-84; Ord. 2157, sec. 8, 7-10-84)

Sec. 27-9. Miscellaneous Regulations.

1. Within 24 hours of the discovery of any personal property left by a passenger, a driver shall forward such property to the Police Department.
2. A driver shall take the most direct route to a passenger's destination, unless otherwise authorized by the passenger.
3. It shall be unlawful for any driver of a vehicle for hire, for which a current permit has not been issued by the City, to solicit or engage passengers within the City.
4. A vehicle for hire driver is encouraged to assist passengers by providing them transportation to assist in alleviating intoxicated drivers on the streets of the City.
5. No driver shall refuse to accept a passenger solely on the basis of race, color, national origin, religious belief, sex or handicap.
6. It shall be unlawful for any driver to operate any vehicle for hire which is not insured in the amounts required by this article.
7. No taxicab shall be permitted to carry nonpaying passengers while transporting a paying passenger, except for the purpose of driver or dispatcher training.
8. It shall be unlawful for a driver to operate his vehicle in a manner which threatens a passenger or anyone else, to threaten or otherwise abuse a passenger, or for any passenger to abuse a driver. It shall also be unlawful for a driver to discharge any passenger before reaching the passenger's destination unless the driver has reasonable belief that the passenger is dangerous or unless street conditions do not permit a safe discharge.
9. No television sets may be operated inside of a moving cab.
10. Drivers or owners of taxicab companies shall be prohibited from refusing to display to law enforcement officers or employees of the City Clerk's office any information required by this article and shall be prohibited from failing to cooperate with the Police Department in performing their duties.
11. It shall be unlawful for drivers to drive or owners of taxicab companies to allow to be driven any vehicle for hire which does not have a valid inspection sticker.
12. Companies operating vehicles for hire shall be prohibited from allowing such vehicles to be operated by persons not holding valid driver permits.
13. Any time a driver changes his company affiliation for whatever reason, the company he is leaving must notify the City Clerk in writing of the reason within three days of such change.
14. Drivers shall give receipts upon request of a passenger, showing the amount of fare paid, date, name of company and driver.
15. It shall be unlawful for any person to hire any vehicle for hire with the intent to defraud the person from whom it is hired of the value of such services.
16. It shall be unlawful for any person to refuse to pay the legal fare of any vehicle for hire after having hired the vehicle.(Ord. 2705, sec. 5, 10-19-99)

Sec. 27-10. Penalty for violation of article.

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 Hattiesburg, Mississippi, any taxicab for carrying passengers for hire, without first having obtained the permit required by sec. 27-1 of this article, and without having first filed with the City Clerk such insurance policy or bond as provided for in sec. 27-8 of 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 (\$1,000.00), 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 his court of any permitted taxi cab drivers. (Ord. 2157, sec. 9, 7-10-84)

Secs. 27.11 --- 27.13. Reserved.

(The remainder of this page left blank intentionally)

Article II. Horse-Drawn Vehicles

Sec. 27-14. Purpose.

For the purpose of this article, the term "horse-drawn vehicle" shall mean any vehicle that is pulled by carriage horses, dray horses or other draft animals and is used for the purpose of conveying passengers for hire or for advertising or promotion purposes. (Ord. 2365, sec. 1, 1-8-91)

Sec. 27-15. Permits---Rules generally.

A. Required; application. It shall be unlawful for any person to own or operate any horse-drawn vehicle, for the intent of carrying passengers for hire over, in, and upon or across any of the public streets, avenues, alleys or other public passageways in the City of Hattiesburg, Mississippi, unless and until such person shall first have obtained a permit from the governing authorities of said City authorizing such person to own or operate such horse-drawn vehicle in said city in the manner hereinafter provided. Application for such permit is to be made in writing in the City Clerk's Office of said City setting forth the full and true name, age, residence, street, and post-office address of the applicant for such permit. Said application shall show the place of residence, nationality, citizenship, employment, and the name or names of the employers of the applicant for a period of not less than five (5) years next preceding the date of the filing of the application for such permit. Such application shall contain the name, address and phone number of at least three reputable citizens of the state, county and community in which the applicant resides stating that the applicant is personally known to such citizens and the time they have known him or her; that the applicant is a person of good reputation in the community in which he/she resides, or in the community in which the applicant has resided during the five (5) years next preceding the date of the filing of said application, and that the applicant is physically and mentally capable of owning or operating a horse-drawn vehicle for carrying passengers for hire upon the public streets of the City of Hattiesburg, Mississippi.

B. Records check to accompany application. Such application shall also be accompanied by a records check done by the Chief of Police, or his official representative, of the City of Hattiesburg, Mississippi, consisting of fingerprinting and a photograph, which will make up a permanent identification sheet, to be on file at the Hattiesburg Police Department.

C. Identifying information to be furnished. Said application shall also set forth the make, model, type, and motor number of the horse-drawn vehicle which the applicant proposes to own and/or operate, if granted a permit so to do; the name of the owner of such horse-drawn vehicle, and the name or names and address or addresses of the person or persons, if any, having liens or encumbrances thereon; and the name and location of the person, firm or corporation for whom such horse-drawn vehicle will be owned and/or operated.

D. Filing, hearing of application. Every such application shall be filed with the City Clerk of the City of Hattiesburg, Mississippi, who shall place the same before the next regular meeting of the governing authorities of said City, whereupon inquiry and investigation may be made by the governing authorities of said City to determine the fitness of the applicant. For the purpose of making such inquiry and investigation, the governing authorities of said City may continue the hearing of said application for a time reasonable to determine the fitness of the applicant.

E. Issuance of permit; term; badge. When any such permit is granted, the applicant

therefor shall be furnished by the Clerk of said City, a written certificate of such permit, which said permit shall have a number thereon, to be signed by the Mayor of said City, but every such permit shall be issued subject to all the provisions of this article and effective for one year from date of issuance. The applicant, upon the granting of such permit, shall also be furnished a metallic badge, which said badge shall have a number thereon and the name of the City of Hattiesburg, Mississippi, and which shall remain the property of the City of Hattiesburg and shall be returned to the City upon the expiration of such permit or in the event of such permit's prior cancellation for cause.

F. Reapplication fees. The instances below constitute reapplication following the complete application procedure, including the fee specified under the provisions of this article:

1. Upon the expiration of permit and badge.
2. When the owner or operator loses a badge.
3. When the owner replaces the vehicle originally registered.
4. When the owner wishes to use vehicles in addition to those originally registered.

G. Issuance of permit; bond required. No such permit or badge shall be delivered by the Clerk, or other representative of the City, to any such applicant until said applicant shall have complied with any one of the following two (2) provisions, to-wit:

1. Executed as principal, and filed with the Clerk of said City, a surety bond with a surety company authorized to do business in Mississippi, as surety, to be approved by the City Clerk of said City in the penal sum of one thousand dollars (\$1,000.00).
2. Shall have filed with the Clerk of said City a surety bond, executed by the applicant as principal, and by at least two (2) responsible persons residing within the corporate limits of said City and who own real property therein, worth not less than five thousand dollars (\$5,000.00) over and above all exemptions, said bond to be in the penal sum of five hundred dollars (\$500.00) and shall be approved by the City Clerk.

H. Conditions of bond. Any such bond shall be conditioned that the applicant will at all times faithfully comply with and not violate the provisions of the article, and conditioned further that the applicant will not unlawfully or negligently own or operate such horse-drawn vehicle within the corporate limits of the City of Hattiesburg, Mississippi. The City of Hattiesburg, Mississippi, shall be the obligee in such bond, but the same shall inure to the use and benefit of any person injured or damaged by reason of a breach of the conditions thereof. Such bond shall be in addition to and cumulative to the insurance or other security required by sec. 27-30 of this article.

I. Permit to be posted. Every person to whom a permit is granted under the provisions of this article, and every person who drives or owns or operates any horse-drawn vehicle to be used or intended for use in carrying passengers for hire within the corporate limits of the City of Hattiesburg, Mississippi, shall at all times have the photograph, true name, name of employer, if any, and permit number of such person, driver or operator posted and displayed in a conspicuous place in such horse-drawn vehicle then being owned or operated by such person. The conspicuous place where such photograph, name(s) and number must be posted and

displayed is any such place within such horse-drawn vehicle as may be easily and readily and plainly seen by any person of normal vision occupying any seat or other position in any such horse-drawn vehicle.

J. Fee. To cover the cost of printing and issuing the permit and badge, the City may collect from the applicant a fee of twenty-five dollars (\$25.00) which shall be retained by it.

K. Appeal upon denial of application. In the event the governing authorities order that the application for any such permit be refused and denied, any such applicant may prosecute an appeal from said order in the manner provided by law for prosecuting appeals from the orders of the municipal authorities. (Ord. 2365, sec. 2, 1-8-91)

Sec. 27-16. Transferability of permit.

It shall be unlawful for any owner or operator who secures a permit and badge under the provisions of sec. 27-15 hereof to transfer such permit or badge to any other owner or operator or to any other person whosoever, and it shall likewise be unlawful for any person to use the permit or badge of any other person while owning or operating a horse-drawn vehicle for hire. (Ord. 2365, sec. 3, 1-8-91)

Sec. 27-17. Suspension or revocation of taxicab permit; appeals.

A. The governing authorities may revoke or suspend any permit, and may demand and require the return of any badge, issued under the provisions of sec. 27-15 hereof, upon proof satisfactory to the governing authorities that the holder of such permit and badge, while owning or operating or while in charge of any such horse-drawn vehicle for carrying passengers for hire:

1. Was intoxicated, or noticeably under the influence of intoxicating liquor;
2. Had knowingly disregarded the speed regulations prescribed by law;
3. Had been guilty of knowingly transporting intoxicating liquor;
4. Had been guilty of disturbing the peace while engaged in operating or driving such horse-drawn vehicle for carrying passengers for hire;
5. Had carried concealed weapons in violation of law;
6. Had knowingly transported persons for the purpose of aiding any such persons to gamble, or to engage in prostitution, or to obtain intoxicating liquor;
7. Had violated any one (1) or more of the provisions of this article; or
8. Had violated any of the criminal laws of the City of Hattiesburg or of the State of Mississippi.

B. In the event proof is submitted to the governing authorities causing a majority of them to believe that good cause exists for the revocation or suspension of any such permit and for the return of any such badge, the City Clerk shall give notice, in writing, to the person to whom said permit and badge were issued, directing him to appear before the governing authorities within five (5) days from the date of such notice and the service or mailing thereof and show cause, if any, why said permit should not be revoked or suspended and said badge

ordered returned. If the person to whom said permit and badge was issued cannot be located so as to be personally served with such notice, the same may be served by sending a copy thereof by registered mail to the last known address of such person, and the address, if any, stated in the application for any such permit and badge, may be relied upon as being the last known address of the applicant therefor. In the event such applicant can be found within the corporate limits of the City of Hattiesburg, the Chief of Police or any policeman of the City of Hattiesburg may personally serve said notice. In the event such person fails to appear before the governing authorities within the time therein provided, or in the event he appears but fails to show cause as aforesaid, the governing authorities may in either of said events, at any special or regular meeting of the governing authorities held more than five (5) days after the service or mailing of such notice, revoke or suspend the permit and order the return of said badge.

C. The failure, neglect or refusal to surrender any permit which has been revoked or suspended, or any badge that has been ordered returned, to the governing authorities within the five (5) days from the date of such revocation, suspension or order to return, shall constitute and be a violation of this article.

D. Any person whose permit to own or operate a horse-drawn vehicle for hire for carrying passengers has been revoked or suspended, or whose badge has been ordered returned as herein provided, may prosecute an appeal from any such order of revocation, suspension, or for the return of such badge in the manner provided by law for prosecuting appeals from the orders of the governing authorities, but any such appeal shall not operate as a supersedes of said order. (Ord. 2365, sec. 4, 1-8-91)

Sec. 27-18. Route application.

The Police Department shall approve all routes to be traveled, and an application for a route permit shall be filed with the Police Department seven (7) days prior to any event or outing. Application to consist of the following:

- A. Name, address and telephone number of horse-drawn vehicle business licensee;
- B. Date and hours of the event or outing to be conducted;
- C. Route to be traveled, the starting and termination points, any intermediate stopping points and the length of time of such stops; and
- D. Any additional information which the Chief of Police, or his designated representative shall deem reasonably necessary to a fair determination as to whether a permit should be issued.
- E. To cover the cost of issuing the route permit the Police Department may collect from the applicant a fee of five dollars (\$5.00) which shall be retained by it. (Ord.2365, sec. 5, 1- 8-91)

Sec. 27-19. Route Permit.

That the Chief of Police, or his official representative, shall issue a route permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, it is found that:

- A. The conduct of the horse-drawn vehicle will not substantially interrupt the normal,

safe and orderly movement of other traffic contiguous to its route.

B. The conduct of the horse-drawn vehicle will not interfere with the movement of fire-fighting equipment en route to a fire or emergency or the movement of any other emergency equipment.

C. The conduct of the horse-drawn vehicle is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance. (Ord. 2365, sec. 6, 1-8-91)

Sec. 27-20. Route denial.

The Chief of Police, or his official representative, shall act upon the application for a route permit within three (3) days after the filing thereof. If the Chief of Police, or his official representative, disapproves the application, he shall mail to the applicant by certified mail within three (3) days after the time upon which the application was filed, a notice of his action stating the reasons for his denial of the permit. (Ord. 2365, sec. 7, 1-8-91)

Sec. 27-21. Alternate route.

The Chief of Police, or his official representative, in denying an application for a route permit shall be empowered to authorize a change in date, time or offer a route different from that named by the applicant. An applicant desiring to accept an alternate route permit shall, within two (2) days after notice of such action, file a written notice of acceptance with the Chief of Police, or his official representative. An alternate route permit shall conform to the requirements of, and shall have the effect of, a route permit as described in sec. 27-18 and sec. 27-19. (Ord. 2365, sec. 8, 1-8-91)

Sec. 27-22. Route permit distribution.

Immediately upon the issuance of a route permit, the Chief of Police, or his official representative, shall send a copy thereof, with route map, to the governing authorities and the Fire Chief. (Ord. 2365, sec. 9, 1-8-91)

Sec. 27-23. Vehicle registration.

A. Each and every horse-drawn vehicle used for carrying passengers for hire within or in the corporate limits of the City of Hattiesburg, Mississippi, shall be registered with the Clerk of said municipality before the commencement of such use of any such vehicle, and every such vehicle continued in such use shall be re-registered with such Clerk on or before the first day of February each year. The person, firm or corporation operating or causing to be operated any such horse-drawn vehicle within or in the corporate limits of said City at the time of registering and re-registering the same shall give the name and address of the owner and operator of such horse-drawn vehicle, and the make, model, type, motor number and state license tag number thereof, and the Clerk of said City shall keep a record of said registrations in a book kept in his office for that purpose, and the Clerk shall, upon the registration of such horse-drawn vehicle, give the same a number, which number shall be placed and kept upon such vehicle as hereinafter provided. Such number shall not be required to be changed at subsequent registrations.

B. Each and every person, firm or corporation owning or operating or causing to be owned or operated within or in the corporate limits of the City of Hattiesburg, Mississippi, any horse-drawn vehicle used for carrying passengers for hire shall, before commencing or

causing to be commenced the operation of any such horse-drawn vehicle for the use aforesaid, place or cause to be placed upon every such horse-drawn vehicle the name or trade name of the person, firm or corporation who has given bond or furnished insurance covering the operation of such horse-drawn vehicle as required by sec. 27-30 of this article, and in addition thereto, the registration number of such horse-drawn vehicle and at all times when such horse-drawn vehicle is so used said name and number shall be kept on such horse-drawn vehicle as follows, to-wit:

1. The name of such person, firm or corporation shall be painted on each side and on the back of every such horse-drawn vehicle, at a place plainly and easily visible, in letters not less than three (3) inches in height, such name to be the same name as that under which the principal or insured in said bond or policy of insurance is operating said horse-drawn vehicle.
2. The registration number of such horse-drawn vehicle shall be painted and kept on each side and on the back of every such horse-drawn vehicle, directly under the name of the person, firm or corporation who has given bond or furnished insurance covering the operation of such horse-drawn vehicle, as elsewhere herein provided, in figures not less than three (3) inches in height. (Ord. 2365, sec. 10, 1-8-91)

Sec. 27-24. Operator's license required.

That all drivers of horse-drawn vehicles shall have a current commercial automobile operator's license for the State of Mississippi. (Ord. 2365, sec. 11, 1-8-91)

Sec. 27-25. Driver's duties.

That all drivers of horse-drawn vehicles shall, while on duty, do the following:

- A. Conduct himself/herself in a reasonable and prudent manner;
- B. Not consume alcoholic beverages or drugs while operating a horse-drawn vehicle and not be under the influence of alcoholic beverages or drugs in any amount while operating such horse-drawn vehicle;
- C. Not solicit passengers or obstruct the movement of any person or follow any person for the purpose of soliciting patrons;
- D. Not permit any unauthorized person to operate any horse-drawn vehicle under the driver's control;
- E. Not permit persons to ride on the back of any horse under his/her control;
- F. Empty diapers of all excrement when half full and at the beginning of each trip, into an approved sanitary sewer;
- G. Keep all routes and carriage stands clean and free of animal excrement;
- H. Travel at a walk or at a pace not faster than a slow trot, except when traveling through intersections;
- I. The driver shall not leave any horse-drawn vehicle unattended at any time and shall keep the interior of the vehicle clean at all times;

J. Inspect the vehicle and its equipment at least once daily to determine that it is mechanically fit and in good working order;

K. Report all accidents to the owner and to the Police Department immediately;

L. Promptly provide a written receipt upon payment of fare, if requested by the passenger;

M. Thoroughly search the interior of the carriage after termination of each trip for any article left or lost in the vehicle. Any such article shall be turned in to the office of the Chief of Police, or his designated representative, within twenty-four (24) hours;

N. Be responsible for the proper and humane care and treatment of the horses under his/her direct supervision and control;

O. Have an identification badge on his/her person, in plain view at all times; and

P. Display company name, phone number, rates and passenger capacity in plain view. (Ord. 2365, sec. 12, 1-8-91)

Sec. 27-26. Stands, dispatcher's license, fees.

A. No person, firm or corporation, or the employee or employees thereof, engaged in owning, operating or causing to be operated any horse-drawn vehicle used or to be used or intended for use in carrying passengers for hire shall use or cause to be used any of the public streets, avenues, alleys, sidewalks or other public passageways or portions thereof in the City of Hattiesburg, Mississippi, as a station or stand for carrying on the business of any such person, firm or corporation, but each and every person, firm or corporation engaged in carrying on the business of owning or operating a horse-drawn vehicle for carrying passengers for hire in the City of Hattiesburg, Mississippi, shall have a fixed place of business at some location other than on or in the public streets, avenues, alleys, sidewalks or other public thoroughfares of the city, approved by the governing authorities of the City.

B. No person, firm or corporation engaged in owning, operating or causing to be operated any horse-drawn vehicle used for carrying passengers for hire within said city shall cause or permit any such horse-drawn vehicle to be parked or to stand on any of the public streets, avenues, alleys, sidewalks or other public passageways within the City, except when actually engaged in receiving or discharging passengers, or when actually waiting for or following the instructions of a passenger or passengers who have immediately theretofore engaged such horse-drawn vehicle. It is declared to be the express purpose and intent of this provision of this article to stop and prohibit the practice of some persons in monopolizing the use of the public streets or portions thereof in said City to the inconvenience and disadvantage of the general public.

C. No horse-drawn vehicle operator in the conduct of any tour shall stop or stand for descriptive purposes, but shall remain in and be a part of the traffic flow; provided, however, that horse-drawn vehicles shall safely pull temporarily to the side so as to prevent unnecessary delays to following traffic; and provided further, that horse-drawn vehicles are permitted to pull to the side of streets out of the traffic flow for descriptive purposes.

D. Any horse-drawn vehicle business owner desiring to have a place designated as a regular stand for horse-drawn vehicles within the City shall make application by written petition to the governing authorities for the establishment of location and the extent of space

for stands to be known as horse-drawn vehicle stands. No automobiles or other means of conveyance except animal-drawn vehicles will be permitted to use such stands.

E. Standing at locations other than designated stands (except for discharge of passengers) is prohibited.

F. Business license holders for horse-drawn carriages shall keep the routes and carriage stands clean and free of animal excrement. Disposal of manure into a approved sanitary sewer shall be the responsibility of the business license holder.

G. Business license holders for horse-drawn carriages shall be responsible for washing the street to remove urine and shall be responsible for application of such chemical as required to make the area around the carriage stand clean and free of urine, so as to make the area sanitary at all times.

H. Business license holders for horse-drawn carriages shall be responsible for providing water for horses.

I. It shall be a violation of this article for the owner of a horse-drawn vehicle company, used for carrying passengers for hire, to engage in operating such company without first having obtained a dispatcher's privilege license for which the tax department shall collect a fee of twenty-five dollars (\$25.00). (Ord. 2365, sec. 13, 1-8-91)

Sec. 27-27. Vehicle safety features, maintenance.

Business license holders for horse-drawn carriages shall be responsible for providing carriages and horses with safety features and accessories and providing for the maintenance thereof as follows:

A. All carriages shall be equipped with headlights or other lights exhibiting a white light, visible from a distance of five hundred (500) feet, to the front of such horse-drawn vehicle, and with taillights or other such lights exhibiting a red light, visible from a distance of five hundred (500) feet, to the rear of such horse-drawn vehicle. Each vehicle shall have affixed to the rear of such vehicle at least two (2) red reflectors or similar warning devices, one on each corner, and on the front of such vehicle, one amber reflector or similar warning device on the left-hand front of such vehicle.

B. All carriages shall be equipped with the following rear reflective devices:

1. An equilateral triangle in shape at least sixteen (16) inches wide at the base and at least fourteen (14) inches in height, with a bright red border, at least one and three quarter (1³/₄) inches wide of highly reflective beaded material.
2. A center triangle, at least twelve and one-quarter (12¹/₄) inches on each side of yellow-orange fluorescent material.
3. The device shall be mounted on the rear of the horse-drawn vehicle, not less than three (3) feet nor more than five (5) feet above the ground, measuring to the lowest portion of the device and as near the center of the vehicle, implement or mobile equipment as is practicable.
4. Each horse-drawn vehicle shall be equipped with suitable manually-operated or hydraulic brakes for such carriage.

C. Any carriage used in the business of horse-drawn vehicles shall be kept in a safe and sanitary condition at all times. The Police Department shall have the right to inspect as often as may be necessary for the purpose of ascertaining and causing to be corrected any unsafe or unsanitary conditions or any violations of this article.

D. The Police Department shall have the right to order removed from service any horse-drawn carriage which is determined by the Police Department to be unsafe until any unsafe condition has been remedied.

E. Every horse, pulling a horse-drawn carriage, must wear blinders during the time the horse-drawn carriage is in operation.

F. Every horse, pulling a horse-drawn carriage, must be equipped with a diapering apparatus that prevents the droppings of such horse from being deposited or otherwise left on city streets. It shall be the duty of the business license holder for horse-drawn carriages to see that the diapering apparatus is maintained in working order.

G. The harness attachment shall be such that the horse cannot break away from its harness or carriage. The licensee for the horse-drawn carriage business shall insure that all carriages shall have the suspension, pivoting axle, shaves, and tongue-and-harness trees properly secured to the carriage, with safety measures taken to ensure that any key parts will not accidentally loosen. (Ord. 2365, sec. 14, 1-8-91)

Sec. 27-28. Solicitation of patronage while vehicle in operation.

It shall be unlawful for the owner or operator of any horse-drawn vehicle used for carrying passengers for hire, while engaged in operating any such horse-drawn vehicle, to solicit patronage, trade or a passenger or passengers on the public streets, avenues, alleys or sidewalk within the corporate limits of the City of Hattiesburg, Mississippi, and it shall be unlawful for any such owner or operator of any such horse-drawn vehicle being used for the purpose aforesaid to accost any person located upon any such street, avenue, alley or sidewalk for the ostensible purpose of inducing such person to become a passenger in any such horse-drawn vehicle. (Ord. 2365, sec. 15, 1-8-91)

Sec. 27-29. Requirements for the treatment of horses or other animals used.

A. No licensee shall work an animal in poor health, lame, or ill;

B. No licensee shall work an animal for more than twelve (12) hours per day with at least a ten (10) minute rest break after each fifty (50) minute work period. After two consecutive fifty (50) minute work periods, a thirty (30) minute rest period shall be given;

C. Horses shall not be operated when the heat index exceeds one hundred twenty-four (124) degrees Fahrenheit, as reported by the National Weather Service;

D. No horse-drawn vehicle shall be operated when the wind chill index, as reported by the National Weather Service is below 0 degrees Fahrenheit. When the wind chill index is below twenty (20) degrees Fahrenheit, the horses must be blanketed during rest periods;

E. Any horse used on concrete, asphalt, or similar type street surface shall be shod with metal shoes. A good quality, shock-absorbing material will be used between the horse's

hooves and the shoes, at the discretion of a certified farrier;

F. Shoes are to be refitted, as needed. Any shoe lost during the work period by a horse then in service must be replaced before such horse resumes service;

G. Horses' hooves shall be trimmed, as needed, at the scheduled times for shoe refitting. Hooves are to be examined by a certified farrier and a report of the examination in writing shall be submitted to the City Clerk every six (6) months that the horse is in service;

H. Horses shall be given a minimum of four (4) days pasture time per month; and

I. No driver shall use more than a light touch of the whip upon any animal, and no driver or other person may forcefully strike an animal, or make movements or noise intended to frighten or harm an animal. (Ord. 2365, sec. 16, 1-8-91)

Sec. 27-30. Insurance requirements; cancellation notice.

Except as herein otherwise expressly provided, no person, firm or corporation shall operate or cause to be operated on any of the streets, avenues, alleys, sidewalks or other public passageways within the corporate limits of the City of Hattiesburg, Mississippi, any horse-drawn vehicle used for carrying passengers for hire, unless and until such person owning or operating, or the person, firm or corporation causing the operation of such horse-drawn vehicle shall have first secured liability insurance covering each such horse-drawn vehicle, with, from and in some reputable and solvent insurance company to be approved by the governing authorities of the City of Hattiesburg, Mississippi, providing insurance and indemnity in the event of injuries or damages occasioned by the negligent operation of any such horse-drawn vehicle, in the sum of not less than fifty thousand dollars (\$50,000.00) for any one (1) person so injured and not less than one hundred thousand dollars (\$100,000.00) for all persons so injured in any one accident or collision in which such horse-drawn vehicle shall be involved, and in the sum of not less than twenty-five thousand dollars (\$25,000.00), for property damage sustained by any person or persons as a result of any such accident or collision and occasioned as aforesaid. The policy or policies of insurance, together with the receipt or receipts showing the payment of premiums thereon, so as to have said insurance in effect, shall be deposited and filed with the Clerk of the City of Hattiesburg, Mississippi, before any such horse-drawn vehicle shall be owned or operated in said City. No such insurance shall be canceled for the nonpayment of premiums or otherwise until after the expiration of ten days' written notice has been received by the Clerk of the City of Hattiesburg, Mississippi, of the contemplated cancellation of such insurance by the person, firm, association, company or corporation which issued such policy or policies of insurance. Any and all such policies of insurance shall inure to the benefit of any person, firm or corporation negligently injured or damaged by the person, firm or corporation owning or operating or causing any such horse-drawn vehicle to be so operated, subject, however, to the terms hereinafter appearing. (Ord. 2365, sec. 17, 1-8-91)

Sec. 27-31. Penalty for violation of article.

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 Hattiesburg, Mississippi, any horse-drawn vehicle for carrying passengers for hire, without first having obtained the permit required by sec. 27-15 of this article, and without having first filed with the City Clerk such insurance policy or bond as provided for in sec. 27-15 (G - H) and sec. 27-30 of 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 not to exceed one thousand dollars (\$1,000.00), or

imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. It shall be the duty of the Municipal Court to notify the City Clerk of any driving convictions in that court of any permitted horse-drawn vehicle owners and or operators. (Ord. 2365, sec. 19, 1-8-91)

Secs. 27-32 --- 27-36. Reserved.

Article III. Limousines

Sec. 27-37. Purpose.

For the purpose of this article, the term "limousine" shall mean any vehicle that is used for the purpose of conveying passengers for hire or for advertising or promotion purposes. (Ord. 2366, sec. 1, 1-8-91)

Sec. 27-38. Permits--Rules generally.

A. Required; application. It shall be unlawful for any person to own or operate any limousine, for the intent of carrying passengers for hire over, in, and upon or across any of the public streets, avenues, alleys or other public passageways in the City of Hattiesburg, Mississippi, unless and until such person shall first have obtained a permit from the governing authorities of said city authorizing such person to own or operate such limousine, in said city in the manner hereinafter provided. Application for such permit is to be made in writing to the governing authorities of said City setting forth the full and true name, age, residence, street, and post-office address of the applicant for such permit. Said application shall show the place of residence, nationality, citizenship, employment, and the name or names of the employers of the applicant for a period of not less than five (5) years next preceding the date of the filing of the application for such permit. Such application shall contain the name, address and phone number of at least three reputable citizens of the state, county and community in which the applicant resides stating that the applicant is personally known to such citizens and the time they have known him; that the applicant is a person of good reputation in the community in which he resides, or in the community in which the applicant has resided during the five (5) years next preceding the date of the filing of said application, and that the applicant is physically and mentally capable of owning or operating a limousine for carrying passengers for hire upon the public streets of the City of Hattiesburg, Mississippi.

B. Records check to accompany application. Such application shall also be accompanied by a records check done by the chief of police of the City of Hattiesburg, Mississippi, consisting of fingerprinting and a photograph, which will make up a permanent identification sheet, to be on file at the Hattiesburg Police Department.

C. Identifying information to be furnished. Said application shall also set forth the make, model, type, and motor number of the limousine which the applicant proposes to own or operate if granted a permit so to do; the name of the owner of such limousine, and the name or names and addresses of the person or persons, if any, having liens or encumbrances thereon; and the name and location of the person, firm or corporation for whom such limousine will be owned or operated.

D. Filing, hearing of application. Every such application shall be filed with the clerk of the City of Hattiesburg, Mississippi, who shall place the same before the next regular meeting of the governing authorities of said city, whereupon inquiry and investigation may be made by the governing authorities of said city to determine the fitness or not of the applicant.

For the purpose of making such inquiry and investigation, the governing authorities of said city may continue the hearing of said application for a reasonable time.

E. Issuance of permit; term; badge. When any such permit is granted, the applicant therefor shall be furnished by the clerk of said city, a written certificate of such permit, which said permit shall have a number thereon, to be signed by the mayor of said city, but every such permit shall be issued subject to all the provisions of this article and effective for one year from date of issuance. The applicant, upon the granting of such permit, shall also be furnished a metallic badge, which said badge shall have a number thereon and the name of the City of Hattiesburg, Mississippi, and which shall remain the property of the City of Hattiesburg and shall be returned to the city upon the expiration of such permit or in the event of such permit's prior cancellation for any cause.

F. Reapplication fees. The instances below constitute reapplication following the complete application procedure, including the fee specified under the provisions of this article:

1. Upon the expiration of permit and badge.
2. When the owner or operator loses a badge.
3. When the owner replaces the vehicle originally registered.
4. When the owner wishes to use vehicles in addition to those originally registered.

G. Issuance of permit; bond required. No such permit or badge shall be delivered by the clerk, or other representative of the city, to any such applicant until said applicant shall have complied with any one of the following two (2) provisions, to-wit:

1. Executed as principal, and filed with the clerk of said city, a surety bond with some surety company authorized to do business in Mississippi, as surety, to be approved by the clerk of said city in the penal sum of one thousand dollars (\$1,000.00).
2. Shall have filed with the clerk of said city a surety bond, executed by the applicant as principal, and by at least two (2) responsible persons residing within the corporate limits of said city and who own real property therein, worth not less than five thousand dollars (\$5,000.00) over and above all exemptions, said bond to be in the penal sum of five hundred dollars (\$500.00) and shall be approved by the city clerk.

H. Conditions of bond. Any such bond shall be conditioned that the applicant will at all times faithfully comply with and not violate the provisions of the article, and conditioned further that the applicant will not unlawfully or negligently own or operate such limousine within the corporate limits of the City of Hattiesburg, Mississippi. The City of Hattiesburg, Mississippi, shall be the obligee in such bond, but the same shall inure to the use and benefit of any person injured or damaged by reason of a breach of the conditions thereof. Such bond shall be in addition to and cumulative to the insurance or other security required by sec. 27-45 of this article.

I. Permit to be posted. Every person to whom a permit is granted under the provisions of this article, and every person who drives or owns or operates any limousine to be used or intended for use in carrying passengers for hire within the corporate limits of the City of

Hattiesburg, Mississippi, shall at all times have the photograph, true name, name of employer, if any, and permit number of such person, driver or operator posted and displayed in a conspicuous place in such limousine then being owned or operated by such person. The conspicuous place where such photograph, names and number must be posted and displayed is any such place within such limousine as may be easily and readily and plainly seen by any person of normal vision occupying any seat or other position in any such limousine.

J. Fee. To cover the cost of printing and issuing the permit and badge, the city may collect from the applicant a fee of twenty-five dollars (\$25.00) which shall be retained by it.

K. Appeal upon denial of application. In the event the governing authorities order that the application for any such permit be refused and denied, any such applicant may prosecute an appeal from said order in the manner provided by law for prosecuting appeals from the orders of the municipal authorities. (Ord. 2366, sec. 2, 1-8-91)

Sec. 27-39. Transferability of permit.

It shall be unlawful for any owner or operator who secures a permit and badge under the provisions of sec. 27-38 hereof to transfer such permit or badge to any other owner or operator or to any other person whosoever, and it shall likewise be unlawful for any person to use the permit or badge of any other person while owning or operating a limousine for hire. (Ord. 2366, sec. 3, 1-8-91)

Sec. 27-40. Suspension or revocation of limousine permit; appeals.

A. The governing authorities may revoke or suspend any permit, and may demand and require the return of any badge, issued under the provisions of sec. 27-38 hereof, upon proof satisfactory to the governing authorities that the holder of such permit and badge, while owning or operating or while in charge of any such limousine for carrying passengers for hire:

1. Was intoxicated, or noticeably under the influence of intoxicating liquor;
2. Had knowingly disregarded the speed regulations prescribed by law;
3. Had been guilty of knowingly transporting intoxicating liquor;
4. Had been guilty of disturbing the peace while engaged in operating or driving such limousine for carrying passengers for hire;
5. Had carried concealed weapons in violation of law;
6. Had knowingly transported persons for the purpose of aiding any such persons to gamble, or to engage in prostitution, or to obtain intoxicating liquor;
7. Had violated any one (1) or more of the provisions of this article; or
8. Had violated any of the criminal laws of the City of Hattiesburg or of the State of Mississippi.

B. In the event proof is submitted to the governing authorities causing them or any one (1) or more of them to believe that good cause exists for the revocation or suspension of any such permit and for the return of any such badge, the governing authority shall give notice, in writing, to the person to whom said permit and badge were issued, directing him to appear before the governing authority within five (5) days from the date of such notice and the service

or mailing thereof and show cause, if any he can, why said permit should not be revoked or suspended, and said badge ordered returned. If the person to whom said permit and badge was issued cannot be located so as to be personally served with such notice, the same may be served by sending a copy thereof by registered mail to the last known address of such person, and the address, if any, stated in the application for any such permit and badge, may be relied upon as being the last known address of the applicant therefor. In the event such applicant can be found within the corporate limits of the City of Hattiesburg, the chief of police or any policeman of the City of Hattiesburg may personally serve said notice. In the event such person fails to appear before the governing authority within the time therein provided, or in the event he appears but fails to show cause as aforesaid, the governing authorities may in either of said events, at any special or regular meeting of the governing authority held more than five (5) days after the service or mailing of such notice, revoke or suspend the permit and order the return of said badge.

C. The failure, neglect or refusal to surrender any permit which has been revoked or suspended, or any badge that has been ordered returned, to the governing authority within the five (5) days from the date of such revocation, suspension or order to return, shall constitute and be a violation of this article.

D. Any person whose permit to own or operate a limousine for hire for carrying passengers has been revoked or suspended, or whose badge has been ordered returned as herein provided, may prosecute an appeal from any such order of revocation, suspension, or for the return of such badge in the manner provided by law for prosecuting appeals from the orders of the governing authority, but any such appeal shall not operate as a supersedes of said order. (Ord. 2366, sec. 4, 1-8-91)

Sec. 27-41. Limousine registration.

That each and every limousine used for carrying passengers for hire within or in the corporate limits of the City of Hattiesburg, Mississippi, shall be registered with the clerk of said municipality before the commencement of such use of any such motor vehicle, and every such motor vehicle continued in such use shall be re-registered with such clerk on or before the first day of February each year. The person, firm or corporation operating or causing to be operated any such limousine within or in the corporate limits of said city at the time of registering and re-registering the same shall give the name and address of the owner and operator of such limousine, and the make, model, type, motor number and state license tag number thereof, and the clerk of said city shall keep a record of said registrations in a book kept in his office for that purpose, and the clerk shall, upon the registration of such limousine, give the same a number, which number shall be posted and displayed in a conspicuous place within the vehicle as may be easily and readily and plainly seen by any person of normal vision occupying any seat or other position in such vehicle. Such number shall not be required to be changed at subsequent registrations. (Ord. 2366, sec. 5, 1-8-91)

Sec. 27-42. Operator's license required.

That any person under the age of twenty-one (21) years, or a person who habitually uses intoxicating liquors, or narcotics, or other habit forming drugs, or a person who is physically or mentally incompetent for any reason whatsoever is hereby prohibited from owning or operating a limousine used for carrying passengers for hire within the corporate limits of the City of Hattiesburg, Mississippi. (Ord. 2366, sec. 6, 1-8-91)

Sec. 27-43. Limousine stands; dispatcher's license; fees.

A. No person, firm or corporation, or the employee or employees thereof, engaged in owning, operating or causing to be operated any limousine used or to be used or intended for use in carrying passengers for hire shall use or cause to be used any of the public streets, avenues, alleys, sidewalks or other public passage ways or portions thereof in the City of Hattiesburg, Mississippi, as a station or stand for carrying on the business of any such person, firm or corporation, but each and every person, firm or corporation engaged in carrying on the business of owning or operating a limousine for carrying passengers for hire in the City of Hattiesburg, Mississippi shall have a fixed place of business at some location other than on or in the public streets, avenues, alleys, sidewalks or other public thoroughfares of the city.

B. No person, firm or corporation engaged in owning, operating or causing to be operated any limousine used for carrying passengers for hire within said city shall cause or permit any such limousine to be parked or to stand on any of the public streets, avenues, alleys, sidewalks or other public passage ways within the city, except when actually engaged in receiving or discharging passengers, or when actually waiting for or following the instructions of a passenger or passengers who have immediately theretofore engaged such limousine. It is declared to be the express purpose and intent of this provision of this article to stop and prohibit the practice of some persons in monopolizing the use of the public streets or portions thereof in said city to the inconvenience and disadvantage of the general public.

C. It shall be a violation of this article for the owner of a limousine company used for carrying passengers for hire, to engage in operating such company without first having obtained a dispatcher's privilege license for which the tax department shall collect a fee of twenty-five dollars (\$25.00). (Ord. 2366, sec. 7, 1-8-91)

Sec. 27-44. Solicitation of patronage while vehicle in operation.

It shall be unlawful for the owner or operator of any limousine used for carrying passengers for hire, while engaged in operating any such limousine to solicit patronage, trade or a passenger or passengers on the public streets, avenues, alleys or sidewalk within the corporate limits of the City of Hattiesburg, Mississippi, and it shall be unlawful for any such owner or operator of any such limousine being used for the purpose aforesaid to accost any person located upon any such street, avenue, alley or sidewalk for the ostensible purpose of inducing such person to become a passenger in any such limousine. (Ord. 2366, sec. 8, 1-8-91)

Sec. 27-45. Insurance requirements; cancellation notice.

Except as herein otherwise expressly provided, no person, firm or corporation shall operate or cause to be operated on any of the streets, avenues, alleys, sidewalks or other public passage ways within the corporate limits of the City of Hattiesburg, Mississippi, any limousine used for carrying passengers for hire, unless and until such person owning or operating or the person, firm or corporation causing the operation of such limousine shall have first secured liability insurance covering each such limousine, with, from and in some reputable and solvent insurance company to be approved by the governing authorities of the City of Hattiesburg, Mississippi, providing insurance and indemnity in the event of injuries or damages occasioned by the negligent operation of any such limousine, in the sum of not less than fifty thousand dollars (\$50,000.00) for any one (1) person so injured and not less than one hundred thousand dollars (\$100,000.00) for all persons so injured in any one accident or collision in which such limousine shall be involved, and in the sum of not less than twenty-five thousand dollars (\$25,000.00), for property damage sustained by any person or persons as a result of any such accident or collision and occasioned as aforesaid. The policy or

policies of insurance, together with the receipt or receipts showing the payment of premiums thereon so as to have said insurance in effect, shall be deposited and filed with the clerk of the City of Hattiesburg, Mississippi, before any such limousine shall be owned or operated in said city. No such insurance shall be canceled for the nonpayment of premiums or otherwise until after the expiration of ten days' written notice has been received by the clerk of the City of Hattiesburg, Mississippi, of the contemplated cancellation of such insurance by the person, firm, association, company or corporation which issued such policy or policies of insurance. Any and all such policies of insurance shall inure to the benefit of any person, firm or corporation negligently injured or damaged by the person, firm or corporation owning or operating or causing any such limousine to be so operated, subject, however, to the terms hereinafter appearing. (Ord. 2366, sec. 9, 1-8-91)

Sec. 27-46. Penalty for violation of article.

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 Hattiesburg, Mississippi, any limousine for carrying passengers for hire, without first having obtained the permit required by sec. 27-38 of this article, and without having first filed with the city clerk such insurance policy or bond as provided for in sec. 27-38 (G - H) and sec. 27-45 of 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 (\$1,000.00), 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 his court of any permitted limousine drivers. (Ord. 2366, sec. 10, 1-8-91)

(The remainder of this page left blank intentionally)