AN ORDINANCE TO AMEND, CHAPTER 39 OF THE CITY OF MEMPHIS CODE OF ORDINANCES SO AS TO ESTABLISH THE MEMPHIS TRANSPORTATION COMMISSION

WHEREAS, The City of Memphis is responsible for issuing permits and certificates of public convenience and necessity regulating all taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, courtesy cars and their drivers operating on the streets of Memphis; and

WHEREAS, The City of Memphis, has established rules and regulations on the proper and safe operation of horse carriages within the City of Memphis, and the humane treatment of the animals employed; and

WHEREAS, The City of Memphis, to promote public safety, has established rules and regulations designed to facilitate and provide for emergency towing services upon the streets, alleys, roads, highways, and thoroughfares within the City of Memphis, including the regulation and control of parking; and

WHEREAS, citizens, visitors and tourists have issued numerous complaints to city administrators of pricing abuses committed by taxicab drivers, shuttle services, limousines and horse carriage operators and other vehicles for hire; and

WHEREAS, citizens, visitors and tourists have been victims of pricing abuses and property damages resulting from predatory towing practices of licensed and unlicensed wrecker services and towing services operating within the City of Memphis; and

WHEREAS, City officials have received repeated complaints from citizens, vehicle for hire industry representatives, and professional drivers, citing the existence and operation of unlicensed, non-permitted vehicles for hire, commonly known as "gypsy-cabs" and predatory towing; and

WHEREAS, City officials have issued ordinance violations to various vehicles for hire and wreckers or towing services operating within the corporate limits of the city without certificates of convenience and necessity, or permits from the City; and

WHEREAS, due to the growth of these industries within the city, and the corresponding increase in reported violations of city ordinances, the need exists to form a board to approve, monitor and maintain non-judicial oversight of the aforementioned transportation industries operating within the city; and

WHEREAS, the City Council of the City of Memphis has the authority under City Ordinance, (Article 8 section 57, and Article 40, sections 353 and 354), to establish and assign commissions and boards.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 39 is hereby amended to create Article IV which shall read as follows:

Section 39-240. Memphis Transportation Commission Established

There is hereby created and established a transportation commission to be known as the Memphis Transportation Commission.

Section 39-241. Purpose

The Memphis Transportation Commission shall serve as the regulatory body for all taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, tow trucks, wreckers and their drivers operating on the streets of Memphis.

Section 39-242. Membership

A. The Memphis Transportation Commission shall consist of five voting members.
B. Each member shall be appointed upon recommendation of the mayor with approval by the city council. These members shall be residents of Memphis and shall hold office for a term of two calendar years and thereafter until their successors are appointed and qualified. A term shall commence on the date of approval of such appointee by the city council. No member shall serve more than two (2) consecutive two-year terms. Members shall serve without compensation. In the event of a vacancy in such appointed members, whether by reason of expiration of term, resignation, death or other cause, the Transportation Commission shall recommend a successor who shall be appointed by the Mayor with approval of the city council to fill such unexpired term or terms.
C. Three members of the Commission shall represent the following organizations:
1. Memphis Convention and Visitors Bureau
2. Memphis International Airport
3. Memphis Area Hotel and Lodging Association
D. The chairperson of the commission shall be elected by the commission from among its own membership to serve for a term of one year with the right of succession at the option of the commission. The City of Memphis Permits Administrator shall serve as the Commission's Executive

Secretary. The commission shall have the power to appoint such other officers as determined by the members of the commission.

Section 39-243. Meetings – Quorum – Records

A. The commission shall conduct regular meetings at such time and place as the commission may fix by resolution. Such meetings will be open to the public with proper public notification.
B. The Commission may hold special meetings when the chairperson determines the need for such meetings. Three (3) members of the commission present for the meeting shall constitute a quorum for the transaction of business. The commission shall cause a proper record to be kept of the proceedings. Written notice of any special meeting of the commission shall be given to the members at least twenty-four (24) hours prior to the date set for the meeting.

Section 39-244. Powers – Functions

A. Powers. The commission shall have all powers necessary and requisite to effectuate the purposes of the commission, and is empowered to make such rules procedures and regulations, not inconsistent with federal and state law and city ordinances as may be necessary or proper in the performance of its duties.

B. Functions shall include, but not be limited to:

1. Administer and enforce the Commission's written rules, procedures and regulations.
2. Review, issue, alter, deny, suspend or revoke all applications for permits and/or certificates of public convenience and necessity under this chapter relative to taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, tow trucks, wreckers and their drivers operating on the streets of Memphis.
3. Conduct public hearings and make final decision on violations, complaints or issues relative to the operation of taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, tow trucks, courtesy cars, wreckers and their drivers.
4. Maintain a close liaison with all city divisions and relevant transportation organizations including, but not limited to, law division, general services, police services, community enhancement, finance, Memphis Area Transit Authority, Memphis Convention and Visitors Bureau & Memphis-Shelby County Airport Authority on issues pertaining to the aforementioned transportation industries.
5. Assess penalties and fees for violations of vehicles for hire and related transportation ordinances.

Section 39-245. Purchases

The transportation commission is authorized to purchase all necessary stationery, printing and supplies through the purchasing agent of the city.

Section 39-246. Payment of Expenses—Annual Financial Statement

All expenses of the transportation commission shall be paid out of the general funds of the city, pursuant to an annual appropriation by ordinance, and it shall be the duty of the commission to prepare and submit to the director of finance and administration a statement of its expenditures for the previous year and an estimate of its current year's operating cost.

Section 39-247. Oath

Each member of the transportation commission shall take an oath to faithfully perform the duties imposed upon him without fear or favor, and in full accordance with the constitution and laws of the state and the ordinances of the city.

Secs. 39-248 - 39-255. Reserved.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Myron Lowery
Council Chairman

Attest:

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