

ORDINANCE NO. ____

An Ordinance enacting restrictions regarding chartered transportation.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSSVILLE, TENNESSEE AS FOLLOWS:

SECTION I. That Title 15, Chapter 10, of the Crossville Municipal Code be added with the following:

CHAPTER 10

CHARTERED TRANSPORTATION

SECTION

- 15-1001. Applicability
- 15-1002. Unlawful operations of buses
- 15-1003. Established place of business
- 15-1004. Permitting
- 15-1005. Permit review

15-1001. Applicability.

- A. This Chapter shall apply to commercial motor vehicle operation as common carries when:
 - a. The vehicle is engaged in a privately chartered service;
 - b. The service includes the disembarkation of one (1) or more passengers within the City who will not reboard; and
 - c. The service does not include arrangements for round-trip transportation.
- B. As used in this Chapter, “privately chartered service” refers to services wherein a motor vehicle is engaged by a person or entity for specific transportation purposes, not including services that are part of regular, publicly available transportation routes or schedules. “Privately chartered service” does not include courtesy shuttles transporting customers or guests to or from a fixed location as an incidental service provided by a business. As used in this Chapter, “chief of police” also refers to the chief’s duly authorized designee.
- C. Nothing in this Chapter will apply to any transportation for hire service which:
 - a. Is operated by the federal government or any department or agency thereof;
 - b. Is for the transportation of students for school purposes;
 - c. Is operated primarily on an on-demand, door-to-door basis for the use of disabled passengers; or
 - d. Under the Constitutions of the United States or state of Tennessee, may not be made the subject of this regulation by the City.

15-1002. Unlawful Operation of Buses.

- A. As used in this section, the following terms are defined as follows:
- a. “Bus” means any motor vehicle designed, constructed, and used for the transportation of passengers, typically operated by the public transit authority or a licensed private transit provider
 - b. “Regularly scheduled service” means bus service that operates trips involving passengers embarking and/or disembarking in the City on a predictable and recurring basis, following a schedule that is published in advance and available to the general public, and provides service in exchange for paying a fare.
 - c. “Unscheduled bus stop” means the loading, unloading, embarking, or disembarking of passengers from a bus subject to the requirements of [15-1004](#) that is not operating pursuant to and in accordance with an application approved in accordance with that Chapter.
- B. Prohibited Conduct.
- a. **Unscheduled Bus Stops.** No person, including, but not limited to, the owner, operator, or driver of any bus shall make an unscheduled bus stop in the City. This does not apply to motor vehicles which are not subject to [15-1001](#).
 - b. **Operation of a Bus without a City Franchise.** Except as otherwise provided by law, it shall be unlawful for any person to operate a bus on any street, place or public highway in the City without first having obtained a permit from the City Clerk.
 - c. **Exemption.** Nothing in this section will apply to any transportation for hire service which:
 - i. Is operated by the federal government or any department or agency thereof;
 - ii. Is for the transportation of students for school purposes;
 - iii. Is operated primarily on an on-demand, door-to-door basis for the use of disabled passengers; or
 - iv. Under the Constitutions of the United States or state of Tennessee, may not be made the subject of this regulation by the City.
- C. **Penalty.** Any person or business failing to comply with the requirements of this Chapter may be cited into City Court. Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violation of conditions or safeguards established in connection with the grant of any variance or special exception, shall constitute a violation punishable by fine of not less than \$2.00 nor more than \$50.00 for each offense. The operation of each bus contrary to the provisions of this section shall be considered a separate and distinct offense for each day that the same is so operated, and the payment of a fine shall not constitute compliance.

15-1003. Established place of business.

- A. An “established place of business” is considered a physical structure located within the City of Crossville that is occupied at a continuous or regular period for the purpose of business activity for which they are properly licensed for.
 - a. The term does not include a residence, tent, temporary stand, or permanent quarters temporarily occupied.
- B. A business license for the established business must be on file in the City Clerk’s office and with the Tennessee Department of Revenue.
- C. The established place of business being used as a bus stop must hold regular, consistent business hours.

15-1004. Permitting.

- A. The owner, operator, or driver of any motor vehicle to which this Chapter applies which proposes to allow passengers to embark or disembark in the City shall file an application with the City Clerk. The completed application shall contain all required information set forth in subsection B of this section.
- B. The City Clerk shall prepare an application form which shall, at a minimum, require an applicant to provide the following information:
 - a. The full name(s), full address(es), and telephone number(s) of the business and/or owner of the motor vehicle.
 - b. A complete list of driver(s) operating bus(es) within the City. This list must be updated with the City Clerk’s office if changes occur.
 - c. The name of the business and address in the City where the applicant proposes to allow passengers to embark and disembark.
 - d. The date(s) and time(s) at which the applicant’s passengers will embark and disembark in the City.
 - e. Any additional information the City Clerk may require; provided, that such information is related to the purposes of this section.
- C. The person submitting an application shall swear or affirm that to the best of their knowledge and belief the information set forth in such application is true and correct.
- D. A permit will only be issued if the location at which passengers embark and disembark is an established place of business.

15-1004. Permit Review.

- A. Upon receipt of an application pursuant to this Chapter, the City Clerk shall review same and undertake a review of the information contained in the application to verify its truth and authenticity. If the application is not complete, the City Clerk shall, in writing, advise the applicant of the

additional items needed to complete the application. Within four (4) calendar days after receiving a completed application, the City Clerk shall inform the applicant that the application is approved or denied for the stated location.

- B. Upon approval of an application, the City Clerk shall provide the applicant, or a person designated thereby, with a telephone number to coordinate the arrival of the motor vehicle in the City.
- C. If the City Clerk denies an application made under this section, the findings shall be reduced to writing and transmit the same to the applicant within five (5) calendar days. The applicant may submit a new application or appeal the decision to the City Manager.
- D. Disqualification. The City Clerk shall not approve an application from any person who:
 - a. Has supplied materially false or misleading information in connection with an application made under this Chapter; or
 - b. Has failed to implement or perform the detailed plan pursuant to the terms of an approved application.
- E. Penalty. Complaints alleging any violation of this Chapter for which the City may impose a fine upon the business, owner, operator, or driver of any motor vehicle to which this Chapter applies shall be brought in the name of the City. Violations of this Chapter result in a fine of not more than fifty dollars (\$50).