

TITLE 4

BUSINESS LICENSES AND REGULATIONS

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CHAPTER 4.04

ELECTRIC FRANCHISE

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4.04.01 Electric franchise granted to Arkansas Power and Light Company The City of Batesville, Arkansas, (hereinafter called Grantor) hereby grants to the Arkansas Power and Light Company, its successors and assigns, (hereinafter called Grantee) the exclusive right, privilege and authority within the present and all future expansions of the corporate limits of the City of Batesville, Arkansas, (1) to sell, furnish, transmit and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under the control of the Grantor, the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service hereinafter called (facilities). (Ord. No. 716, Sec. 1)

4.04.02 Rights and responsibilities of grantor and grantee Grantee shall, and does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section 4.04.01 in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise, limited herein, the grants of rights and privileges to Grantee set forth in Section 4.04.01 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy. (Ord. No. 716, Sec. 2)

4.04.03 Rights and responsibilities of grantor and grantee All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities. (Ord. No. 716, Sec. 3)

4.04.04 Rights and responsibilities of grantor and grantee The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service, and, further, Grantee is hereby given the right, authority and permission to trim, cut and remove portions of trees, shrubbery or growth growing on private property but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 716, Sec. 4)

4.04.05 Termination procedure The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until terminated in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the State of Arkansas, as presently enacted or hereafter amended. (Ord. No. 716, Sec. 5)

4.04.06 Rates The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 716, Sec. 6.)

4.04.07 City not liable for negligence of Grantee In the construction, operation and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee, or its agents, servants or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public ground. (Ord. No. 716, Sec. 7)

4.04.08 Standard of care for facilities The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair, and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this State during the time this franchise shall remain in force. (Ord. No. 716, Sec. 8)

4.04.09 Franchise tax Beginning with the month April 1, 1987, and continuing thereafter, AP&L shall pay in quarterly installments, the sum of four and twenty-five hundredths percent (4.25%) of the preceding quarter's current gross revenues collected from residential and commercial users, excluding industrial users, located within the corporate limits of the town and payments shall continue quarterly thereafter with payments due before the end of the month immediately following the close of a calendar quarter. Residential and commercial electric revenues are those revenues so classified pursuant to AP&L's uniform classification standards. The City shall have the right to examine and verify from the records of AP&L, any data relative to the gross revenues of AP&L from customers on which said franchise tax is due. In the event of a controversy between the City and AP&L as to the amount of the gross revenues received by AP&L in the city of Batesville upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over AP&L for final determination and the decision of said Commission shall be binding upon both parties hereto.

In it is expressly agreed and understood by the City and AP&L that the aforesaid payment shall constitute and be considered as complete payment and discharge by AP&L, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and tax payers) which are now or might in the future be imposed by the City under authority conferred upon the City by law. In the event such other tax or taxes are imposed by the City, the obligation of AP&L set forth in this Section to pay the City the sum of four and twenty-five hundredths percent (4.25%) annually of the gross residential and commercial electric revenues shall immediately terminate. (Ord. No. 85-10-1, Sec. 1 as amended by Ord. No. 87-3-1, Sec. 2)

4.104.10 Street lighting Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedule of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balance due said Grantee for electric service rendered to said Grantor. (Ord. No. 716, Sec. 10.)

4.04.11 Private generation facilities allowed Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distributing or furnishing electric energy for his or its own use or for the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 716, Sec. I 1.)

CHAPTER 4.08

GAS FRANCHISE

Sections:

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| 4.08.01 | Tax levied on Arkansas Louisiana Gas Company |
| 4.08.02 | Franchise unaffected; other ordinances repealed |
| 4.08.03 | Written acceptance |

4.08.01 Tax levied on Arkansas Louisiana Gas Company The Gas Company shall pay to the City an annual sum in the amount of 4.25% of revenues collected from residential, commercial and industrial customers within the corporate limits of Batesville, Arkansas. Said fee shall be paid quarterly, on or before January 15, April 15, July 15, and October 15, and in accordance with the rules and regulations of the Arkansas Public Service Commission. For the purpose of clarification, the first payment under the terms of this ordinance shall be due and payable on or before April 15, 1997. (Ord. No. 96-10-2, Sec. 1.)

4.08.02 Franchise unaffected; other ordinances repealed Nothing herein shall be construed to alter or change the terms or conditions of the present franchise under which the Gas Company is operating. All other ordinances, agreements and parts of ordinances and agreements in conflict with the provision of this Ordinance are hereby repealed. (Ord. No. 96-10-2, Sec 2-3.)

4.08.03 Written acceptance The said Gas Company shall have until December 1, 1996, to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this ordinance shall be considered as taking effect and being in force January 1, 1997. The ordinance shall continue in effect and be in force until terminated by the City of the Gas Company as of the end of any year after giving one (1) year's written notice of intention to terminate. (Ord. No. 96-10-2, Sec. 4.)

CHAPTER 4.12

TELEPHONE FRANCHISE

Sections:

- 4.12.01 Authority granted for operation of telephone system
- 4.12.02 Tax imposed upon Southwestern Bell Telephone Company
- 4.12.03 Tax shall be in lieu of other charges
- 4.12.04 Temporary moving of lines
- 4.12.05 Permission to trim trees
- 4.12.06 Ordinance does not require or permit electric light or power wire attachments
- 4.12.07 Exclusive privileges not given
- 4.12.08 Other ordinances repealed
- 4.12.09 Written acceptance

4.12.01 Authority granted for operation of telephone system The Southwestern Bell Telephone Company, its successors and assigns (herein referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the City of Batesville, State of Arkansas, (herein referred to as "City"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and by the Telephone Company in the conduct of its business and said Telephone Company shall continue to exercise its right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purpose for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said City as the same from time to time may be established. (Ord. No. 96-10-1, Sec. 1.)

4.12.02 Tax imposed upon Southwestern Bell Telephone Company The Telephone Company shall pay to the City for the period January 1, 1997 through December 31, 1997, inclusive, and each year thereafter for like periods an amount equal to 4.25% of local exchange access line charges collected in the corporate limits of the City of Batesville for the previous calendar year. Said sum will be paid in equal quarterly installments on or before the last day of March, June, September and December of each year. (Ord. No. 96-1 1-1, Sec. 2.)

4.12.03 Tax shall be in lieu of other charges The payments herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the City under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished to said City. (Ord. No. 96-10-1, Sec. 3.)

4.12.04 Temporary moving of lines The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expenses of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight hours advance notice to arrange for such temporary wire changes. (Ord. No. 96-10-1, Sec. 4.)

4.12.05 Permission to trim trees Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any City official to whom said duties have been or may be delegated. (Ord. No. 96-10-1, Sec. 5.)

4.12.06 Ordinance does not require or permit electric light or power wire attachments Nothing in this ordinance contained shall be construed to require or permit any electric light or power wire attachments by the City of for the City. If light or power attachments are desired by the City or for the City, then a separate non-contingent agreement shall be a prerequisite to such attachments. (Ord. No. 96-1 0- 1, Sec. 6.)

4.12.07 Exclusive privileges not given Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing rights of the Telephone Company to maintain a telephone system within the City. (Ord. No. 96-10-1, Sec. 7.)

4.12.08 Other ordinances repealed All other ordinances and agreements and parts of ordinances and agreements in conflict herewith, relating to the operating of or right to operate a telephone system within said City are hereby repealed. (Ord. No. 96-1 0- 1, Sec. 8.)

4.12.09 Written acceptance The said Telephone Company shall have until December 1, 1996, to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this ordinance shall be considered as taking effect and being in force January 1, 1997. The ordinance shall continue in effect and be in force until terminated by the City of the Telephone Company as of the end of any year after giving one (1) year's written notice of intention to terminate. (Ord. No. 96-10-1, Sec. 9.)

CHAPTER 4.16

CABLE TV FRANCHISE

Sections:

- 4.16.01 Cable TV franchise grated to Community Antenna Company, Inc.
- 4.16.02 Requirements in placing poles; City not being liable for negligence of grantee
- 4.16.03 Rates
- 4.16.04 Records required
- 4.16.05 Termination
- 4.16.06 Franchise tax
- 4.16.07 Certifying franchising authority to regulate Cable TV rates
- 4.16.08 Amendment extending franchise

4.16.01 Cable TV franchise granted to Community Antenna Company, Inc. The Community Antenna Company, Incorporated, its successors and assigns, be and it is hereby granted the exclusive right and/or franchise to furnish direct wire reception of television programs to the citizens and residents of the city of Batesville, Independence County, Arkansas, by means of the establishment of a master antenna system utilizing a master control unit and amplifiers and relaying the television signals directly into the individual television receivers for a period of ten (10) years from the effective date of this ordinance, (together with the right to erect and maintain such poles, wires, fixtures, etc., along the alleys of this City as may be necessary and convenient for its business as a television signal furnisher in supplying the citizens in said City and the public in general, and to use and occupy for its television cables the bridges, lanes, alleys and public grounds and places within said municipality for the purpose of erecting, constructing, laying, owning, leasing or otherwise acquiring, maintaining and operating such system) all such right and use to be and continue on the conditions and terms as herein stated; present utility poles may be used with permission of owners. (Ord. No. 662, Sec. 1)

4.16.02 Requirements in placing Poles; City not being liable for negligence of grantee. Said poles and wires shall be placed and maintained so as not to interfere with travel or use of such streets, alleys or public ways of said city, and said Community Antenna Company, Incorporated, its successors and assigns, shall hold said City free and harmless from damages arising from any abuse or negligence of said occupancy. Said poles and wires shall be placed so as not to interfere with the flow of water in any sewer, drain or gutter, or with any gas or water pipe lines; and this grant is made and is to be enjoyed subject to all such reasonable regulations and ordinances of a police nature as said City may authorize or may see proper from time to time to adopt not destructive of the rights herein granted. (Ord. No. 662, Sec. 2)

4.16.03 Rates. The Community Antenna Company, Inc., its successors and assigns be and it is hereby granted the authority, right and privilege to set the fees and charges for such service to the individual consumer and user during the period provided for in Section 4.16.01 of this ordinance, subject to the approval of the City Council and any and all other state and federal regulations controlling same, or any and all other regulatory bodies in the grantees, its successors and assigns, investment.

Any schedule of proposed change or revision of such rates shall be filed with the City. Franchise holders shall have the right to a hearing thereon by the City Council within thirty (30) days. Said revised schedule of charges shall not apply and be operative until same is approved by the City Council.

4.16.04 Records required. The Community Antenna Company, Incorporated, of Batesville, Arkansas, its successors and assigns, will provide the city of Batesville, Independence County, Arkansas, with an operating statement within a reasonable time after a request is made, in writing, by the City Council of said city of Batesville, Arkansas. (Ord. No. 662, Sec. 4)

4.16.05 Termination. Any right, privilege or franchise granted by virtue of this ordinance shall become absolutely and entirely void unless prior approval is obtained from the City Council of the city of Batesville, Independence County, Arkansas, if at any time service is discontinued by the said franchise holder for a period of three (3) months after service has been in operation or if the said Community Antenna Company, Inc. of Batesville, Arkansas, its successors and assigns shall engage in the sale of television sets or service of television sets within the corporate limits of the city of Batesville, Independence County, Arkansas, or if the said Community Antenna Company, Inc. of Batesville, Arkansas, its successors or assigns shall fail to furnish, as requested, free television signals to the college or schools of this City. (Ord. No. 662, Sec. 5)

4.16.06 Franchise tax TCA Cable Partners, d/b/a Cox Communications shall pay to the city of Batesville on a quarterly basis, effective January 1, 2004, the amount of 3.00% of revenues collected from residential, commercial and industrial customers within the city of Batesville, Arkansas. Said fee will be paid to the city by the 20th of each month following each quarter. for clarification, the first payment under this ordinance shall be payable by April 20, 2004.

The city of Batesville shall have the right to increase the franchise fee on gross subscription receipts up to the maximum permitted by law during the term of this agreement provided however, that Grantee is given a minimum of thirty (30) days advance notification in writing. (Ord. No. 03-10-4, Sec. 1-2.)

4.16.07 Certifying franchising authority to regulate Cable TV rates.

- A. That the Mayor is hereby authorized and directed to file two (2) completed Federal Communications Commission (F.C.C.) Forms 328 by registered mail (not certified mail) with return receipt requested to:

Federal Communications Commission
Cable Franchising Authority Certification
P. O. Box 18539
Washington, D.C. 20036

(Ord. No. 93-9-2, Sec. 1)

- B. The Mayor is further directed to mail a completed copy of this Form 328 to our local cable operator at the address listed on the form by certified mail, return receipt requested, on the same day copies are mailed to the F.C.C. (Ord. No. 93-9-2, Sec. II)

4.16.08 Amendment extending franchise

- A. That all terms of the franchise and amendment to the franchise remain in full force and effect and except as herein specifically amended.
- B. That the ordinance granting a franchise be extended an additional twenty (20) years, commencing on the 14th day of April, 2000, and ending on the 14th day of April, 2020. (Ord. No. 03-10-3, Secs. 1-2.)

CHAPTER 4.20

AMBULANCE FRANCHISE

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4.20.22	Exemptions
4.20.23	State rules included
4.20.24	Council as medical board
4.20.25	"911"calls
4.20.26	Interlocal ambulance agreement

4.20.01 Ambulance service a public utility That from and after the effective date of this ordinance, the business of transporting persons within the city of Batesville, Arkansas, by motor ambulance, whether by the providing of emergency medical services or the providing of medical transfer services, including the operation of a motor ambulance, and the same is hereby declared to be a necessary public utility, service subject to regulations and franchising by said City and after said date any permit, license or certificate heretofore granted to any person, firm or corporation whether non-profit or for business, to operate an ambulance service within said City of Batesville, Arkansas, shall be deemed revoked and the ownership and operation thereof shall be unlawful, unless all such persons, firms or corporations shall first comply with the provisions of this ordinance as hereinafter set forth. (Ord. No. 92-5-2, Sec. 1)

4.20.02 Repeal. Ordinance no. 738 of the city of Batesville, Arkansas, is hereby repealed by Ord. No. 92-5-2, Sec. 2)

4.20.03 Definitions The following words and phrases, as used in this ordinance, shall, for the purpose of this chapter, have the following meaning:

Ambulance - means any motor vehicle that is constructed or equipped for and intended to be used for the transportation of a person or persons because of his or her illness, injury or disability.

Ambulance business - means the owning, operating, managing or maintaining as principal or agent of any ambulance as defined herein, for compensation; so that the owning, operating, managing or maintaining as principal or agent of a special purpose ambulance and not receiving compensations therefore is not considered an ambulance business.

Operation - means the receiving, picking up or embarking within the city of Batesville, Arkansas, of a sick or injured person or persons for transportation or conveyance to any point within or without the city of Batesville, Arkansas, and the providing of emergency medical services to those persons.

Person - means individuals either male or female, partnerships, firms, corporations (whether non-profit or for profit) and associations of every kind and their agents, servants or employees.

Ambulance operation - shall mean any person who, as owner, agent or otherwise, furnishes or operates, advertises or otherwise professes to be engaged in the business of furnishing or operating ambulances in providing the ancillary and necessary emergency medical services or medical transfer services. (Ord. No. 92-5-2, Sec. 3)

4.20.04 Franchise required No person shall engage in the ambulance business within the city of Batesville, Arkansas, without first obtaining a franchise therefore from the City Council as hereinafter provided. A franchise to operate an ambulance business shall be issued for a period not to exceed five (5) years and may be renewed upon review and approval by the City Council for additional periods not to exceed five (5) years. Renewal of any franchise granted hereunder, upon expiration for any reason or after revocation, shall require conformance with all of the requirements of this ordinance as upon original licensing. (Ord. No. 92-5-2, Sec. 4)

4.20.05 Franchise exclusively The City Council of the city of Batesville, Arkansas, may grant an exclusive franchise for the privilege of using the streets, alleys, public ways and public grounds of said city for the purpose of operating an ambulance business for the inhabitants of and all other persons within said city, which said franchise shall require that said ambulance service, including emergency ambulance service, must be maintained continuously during all hours. (Ord. No. 92-5-2, Sec. 5)

4.20.06 Application Said franchise shall be granted only upon written application therefore filed with the City Clerk of said city and shall be granted only when the City Council of said city, in its discretion, shall determine that the public convenience and necessity requires the issuance of same; and to determine such public convenience and necessity, of the City Council may hold such hearing and in such manner as hereinafter provided. (Ord. No. 92-5-2, Sec. 5)

4.20.07 Conditions Said franchise may be granted upon such terms and at such rates as said City Council shall determine and such terms and rates shall be included as a part of any franchise granted under this ordinance. (Ord. No. 92-5-2, Sec. 7)

4.20.08 Ownership No franchise shall be granted to any person or persons who is not an actual bona fide owner or a bona fide operator thereof and who is not fully responsible for the operation of said business. (Ord. No. 92-5-2, Sec. 8)

4.20.09 Paramedic service No franchise shall be granted to any person who does not provide a bona fide paramedic service as part of all of its ambulance business, said paramedic service to be licensed by the Arkansas Department of Health, so that all emergency care and transportation shall be done so that a paramedic is present, and all non-emergency care and transportation is provided by either an advanced life support ambulance with either paramedic or EMT-Intermediate personnel present, or a basic life support ambulance with an EMT-ambulance present according to patient condition, care requirements and ambulance vehicle licensure. (Ord. No. 2005-5-1.)

4.20.10 Required residency No franchise shall be granted to any person or persons whose ambulance business or operation is not located in the city of Batesville, Arkansas, include its main business office and ambulance headquarters. (Ord. No. 92-5-2, Sec. 10)

4.20.11 Rates, quality In granting a franchise, the City Council will not only consider the price and rates charged by the person, but shall also consider the quality of service to be provided, the quality of the equipment to be utilized, the quantity of equipment to be utilized, the level of service to be given, the quality and number of licensed paramedics and any other necessary personnel to be provided, the overall staffing to be provided, the personnel practices in effect, the nature of the ownership of the service so that a non-profit corporation shall be given a preference. (Ord. No. 92-5-2, Sec. 11)

4.20.12 Transfer consent No permit issued under the terms of this ordinance shall be sold, transferred, assigned, leased or otherwise disposed of without written approval of the City Council. (Ord. No. 92-5-2, Sec. 12)

4.20.13 Liability insurance Before the City Council shall grant any franchise hereunder, as a minimum requirement, the owner or operator of said business applying for same shall deposit with the City Clerk of the city of Batesville, Arkansas, and keep in effect at all times, a policy of liability insurance issued by a responsible insurance company or companies duly authorized and licensed to transact such business in the state of Arkansas, insuring the owner, operator and any and all persons driving any vehicles of said permittees as follows:

Against liability up to and including One Million Dollars (\$1,000,000.00) for personal injuries or death as to one occurrence and up to and including Two Million Dollars (\$2,000,000.00) on account of any accident resulting in personal injuries or death on more than one occurrence. (Ord. No. 92-5-2, Sec. 13)

4.20.14 License fee Each person issued a franchise hereunder shall pay to the city of Batesville, Arkansas, for the privilege of so engaging in said business an annual license fee, the amount of which shall be One Hundred Dollars (\$100.00) per year, which shall be paid at the time of the granting of said franchise and on the same date of each succeeding year during the term for which said franchise shall be terminated for failure to pay a fee unless the City Clerk grants ten (10) days notice to the franchisee and further provided that this fee shall be deemed waived as to any nonprofit corporation that should be granted a franchise. (Ord. No. 92-5-2, Sec. 14)

4.20.15 Application form Any person desiring to obtain a franchise to operate an ambulance business shall make application therefore upon forms available from the office of the City Clerk. Each application shall be accompanied by a policy of insurance in the amount provided for by this ordinance. (Ord. No. 92-5-2, Sec. 15)

4.20.16 Franchise revocation A franchise may be revoked by the City Council upon the following grounds:

- A. The franchise holder knowingly and after written notice from the city fails to operate his business in accordance with the provisions of this ordinance and any and all state or federal laws, regulations, requirements or standards applicable to the emergency medical services or ambulance business or operation including the lack of licensed paramedics as required hereinabove.
- B. The franchise holder shall abandon its operation of the ambulance business for a period of one (1) or more days. Acts of God, labor disputes and other acts beyond the control of the franchise holder which cause abandonment or limitation of service shall not be considered as abandonment within the meaning of this section.

- C. The franchise holder has failed to render satisfactory service.
- D. The City Council shall hold a hearing after ten (10) days' notice to the franchise holder before any suspension shall become effective. (Ord. No. 92-5-2, Sec. 16)

4.20.17 Discontinuance of service The ambulance business holding the franchise shall, before such franchise is issued, guarantee the city uninterrupted ambulance service, except that by giving ninety (90) days notice to the city, such ambulance operator shall be authorized to discontinue his or her service without penalty. (Ord. No. 92-5-2, Sec. 17)

4.20.18 Equipment Each ambulance operated by the emergency medical services or ambulance business or operation must be equipped according to the regulations and requirements of the Arkansas Department of Health vehicle license requirements for paramedic, intermediate of basic ambulance as applies. (Ord. No. 2005-5-1, Sec. 2.)

4.20.19 Standards for disease control Any ambulance carrying a patient afflicted with contagious or infectious diseases and the services therefore shall operate in accordance with the Federal OSHA requirements and Center for Disease Control standards in handling patients with contagious or infectious diseases. (Ord. No. 92-5-2, Sec. 19)

4.20.20 Policy manual The emergency medical services or ambulance business or operation shall also have and maintain a written policies and procedures manual which will include personnel, operational and medical policies and procedures and a copy of this manual shall be included in the written application. The emergency medical services or ambulance business shall thereafter operate in accordance with its policies and procedures manual. (Ord. No. 92-5-2, Sec. 20)

4.20.21 Penalty Any person who shall fail to comply with any or all of, or who shall violate the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and/or imprisonment of up to ten (10) days and these penalties shall occur per violation, a violation to be considered per unauthorized ambulance run or operation. (Ord. No. 92-5-2, Sec. 21)

4.20.22 Exemptions The provisions of this ordinance shall not apply to any person engaged in rendering emergency medical services or an ambulance business or operation whose place of business and vehicles are located in another municipality and whose ambulances transport persons or patients in or through the city of Batesville, Arkansas, so long as this transportation or business originates in a location outside the city limits of the city of Batesville, Arkansas, nor shall the provisions of this ordinance apply to any person engaged in rendering an ambulance business or operation in the process of transferring patients between hospitals, nursing homes or patients' homes on a non-emergency transfer basis so long as that ambulance business, operation and ambulances are located and headquartered in another municipality; and, furthermore, the provisions of this ordinance shall not apply to any ambulance business or operation whose place of business and vehicles are located in another municipality even if engaged in rendering emergency medical services if the franchise has waived the rights granted under its franchise and authorized any such other ambulance business or operation to render such emergency services. (Ord. No. 92-5-2, Sec. 22)

4.20.23 State rules included The standards, rules, regulations and requirements established by the state of Arkansas concerning emergency medical services, emergency medical technicians, paramedics, emergency and nonemergency ambulances, and ambulance companies as set forth by the state of Arkansas are hereby incorporated within this ordinance by reference. (Ord. No. 92-5-2, Sec. 23)

4.20.24 Council as medical board The City Council of the city of Batesville, Arkansas, shall have, possess and exercise all of those powers that could be granted to an emergency medical services board and may operate in that capacity. (Ord. No. 92-5-2, Sec. 24)

4.20.25 "911" calls The city of Batesville, Arkansas, is to provide "911" calls or referrals direct access to the franchisee or emergency medical services or ambulance business or operations so that a person calling "911" will have his or her telephone call transferred directly to said franchisee, emergency medical services or ambulance business or operation. (Ord. No. 92-5-2, Sec. 25)

4.20.26 Interlocal ambulance agreement

- A. That from and after the effective date of this section, the Mayor is and shall be authorized to enter into an interlocal agreement with Independence County, Arkansas, for the emergency medical services and ambulance operations franchisee of the city of Batesville, Arkansas, to provide the same exclusive services within the boundaries of Independence County, Arkansas. (Ord. No. 92-11-1, Sec. I)

- B. That the franchise mentioned hereinabove is granted under authority of the city of Batesville, Arkansas, Ordinance No. 92-5-2. (Ord. No. 92-11-1, Sec. II)
- C. That the interlocal agreement is entered into pursuant to the authority granted in Act 196 of 1989 of the state of Arkansas. (Ord. No. 92-11-1, Sec. III)

CHAPTER 4.24

TAXICAB FRANCHISE

Sections:

4.24.01	Operating a taxicab service is a privilege
4.24.02	Definitions
4.24.03	Rates
4.24.04	Certificate of Public convenience and Necessity required; issuance procedure
4.24.05	Liability insurance
4.24.06	Hearing on application
4.24.07	Licensing requirements
4.24.08	Transfer of Certificate
4.24.09	Suspension, revocation of Certificate
4.24.10	Taxicab driver's permit required; issuance procedure
4.24.11	Display of permit
4.24.12	Suspension, revocation or permit
4.24.13	Failure to comply with applicable law
4.24.14	Vehicles to be kept safe and sanitary
4.24.15	Designation of vehicle as taxicab by insignia or the like
4.24.16	Acceptance, discharge of passengers
4.24.17	Signed receipt to passenger upon request
4.24.18	Refusal of passenger to pay fare
4.24.19	Daily manifest to be kept
4.24.20	Advertising
4.24.21	Meter established

4.24.01 Operating a taxicab service is a privilege Operating a taxicab service is declared to be a privilege and no person shall operate a taxicab service in the city of Batesville without securing a franchise from the city of Batesville. (Ord. No. 2009-6-6, Sec. 1.)

4.24.02 Definitions For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Applicant: The person or entity applying for a taxicab franchise

Certificate: A Certificate of Public Convenience and Necessity issued by the city authorizing the holder thereof to conduct a taxicab business.

City: City shall mean the city of Batesville, Arkansas.

Driver's permit: The permission granted by the city to a specific person to drive a taxicab upon the streets of the city.

Exclusive franchise: Operating authority granted to only one (1) person and to the exclusion of all others.

Franchise: Operating authority granted by the city of Batesville.

Holder: A person to whom a Certificate of Public Convenience and Necessity has been issued.

Limousine: A limousine is defined as a large, luxurious vehicle driven by a chauffeur who is separated from the passengers by a partition, used to transport passengers to special event, and not on call for immediate transportation of passengers as a normal taxicab service.

Manifest: A daily record prepared by a taxicab driver and/or taxicab company of all trips made by company vehicles shoeing date, time and place of origin, destination, number of passengers and the amount of fare of each trip.

Passenger: The person who hires the services of a taxicab and includes both the singular and plural.

Person: Includes an individual, a corporation, or other legal entity, a partnership and any unincorporated association.

Rate card: A card issued by the city for conspicuous display in each taxicab, which contains the rates of fare then in force.

Taxicab: A motor vehicle regularly used for carrying passengers for hire, having a seating capacity of no more than seven (7) passengers and not operated on a fixed route. This definition expressly excludes limousines.

Taxicab service: A business offering the hire of one (1) or more taxicabs to the general public.

Waiting time: The time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act, or fault of a passenger or passengers. (Ord. No. 2009-6-6, Sec. 2.)

4.24.03 Rates

- A. All taxicabs shall utilize a meter for calculation of rates and such apparatus shall be clearly visible to the passenger of the vehicle.

- B. A maximum rate of Ten Dollars (\$10.00) per passenger initial fee, plus a maximum additional mileage fee of One Dollars and Fifty Cents (\$1.50) per mile or fraction thereof except that a child under six years of age, properly restrained by a child safety seat shall not be counted as an extra passenger when accompanied by an adult. (Ord. No. 2009-6-7, Sec. 1.)
- C. Each licensed taxicab company shall, upon the enactment of this ordinance and the ordinance establishing the maximum allowable rate, submit to city the fare schedule the taxicab company will utilize for the remainder of the year of the enactment of said ordinances, and on or before January 1 of each year thereafter. Each taxicab company shall post this fare schedule prominently within each taxicab in full view of the passenger. The posted fare schedule shall include the maximum allowable rate established by the city. (Ord. No. 2009-6-6, Sec. 3.)

4.24.04 Certificate of Public Convenience and Necessity required; issuance procedure

- A. No person shall operate or permit a taxicab owned, leased or controlled by him/her to be operated as a vehicle for hire upon the streets of the city without having first obtained a Certificate of Public Convenience and Necessity from the city.
- B. An application for a certificate shall be filed with the Code Enforcement Department upon forms provided by the city and said application shall be verified under oath and shall furnish the following information:
 1. The name, address and telephone number of the applicant, including the name, physical address, mailing address and telephone number of all officers and stockholders of the company, if incorporated, and the name of the person to whom complaints should be directed;
 2. The physical address from which the business is to be conducted if different from the information provided in (1) above.
 3. The experience of the applicant including all officers and stockholders of the company, if incorporated, in the transportation of passengers;
 4. Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate;
 5. The number of vehicles to be available for operation or controlled by the applicant and the location of proposed depots and terminals. The applicant shall furnish a minimum and maximum number of vehicles to be permitted;

6. The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant;
7. The hours between which the applicant proposed to provide taxicab service to the general public, and the days, if any, on which the applicant does not propose to provide taxicab service to the general public, and;
8. The rate schedule which the applicant proposes to use to charge passengers.
9. The annual fee for the franchise and Certificate of Public Convenience and Necessity is Two Hundred Fifty Dollars (\$250.00).

C. Finding of the city

1. If the city finds that further taxicab service in the city is required for public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation services and to conform to the provisions of this subchapter, then the city shall issue a certificate stating the name of the applicant, the physical and mailing address of the applicant and the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied.
2. The city shall deny any application in which the proposed hours of service or the proposed rate schedule are found to be unreasonable to meet the public need.
3. In making the above findings, the city shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant. (Ord. No. 2009-6-6, Sec. 4.)

4.24.05 Liability insurance No Certificate of Public Convenience and Necessity shall be issued or continued in operation and no taxicab operator shall commence to operate a taxicab service unless and until there is deposited with the City Clerk a Certificate of Liability Insurance showing the insured, identifying the insured as a taxicab service and describing the type of operations as “Commercial Auto Insurance for Taxi Service.” Said Certificate of Liability Insurance shall provide liability insurance to be in the amounts required by A.C.A. 27-22-104. Said Certificate shall show the City Clerk of the city of Batesville, Arkansas, 500 East Main St., Batesville, Arkansas 72501 as the Certificate Holder. The Certificate of Liability Insurance shall be issued by an insurance company duly licensed to transact such business in the state of Arkansas and shall provide that the issuing insurer shall give ten (10) days’ written notice to the City Clerk of any cancellation thereof of any policies under said Certificate prior to the expiration date thereof. (Ord. No. 2009-08-3, Sec. 1.)

4.24.06 Hearing on application

- A. Upon the filing of an application, the city shall cause to be given ten (10) days prior to each and every taxicab operator in the city a due and reasonable notice, in writing to the mailing address of record. Notice of the hearing shall set forth the time and place of the hearing. The hearing shall be conducted by the city for all persons interested in, or affected by, the application.
- B. All persons interested in, or affected by, the application, including all carriers at the time rendering any type of for-hire service in the city, shall have the right, either in person or by their designated agent or representative, to be present at all such hearings and to introduce evidence and to be heard either in support of, or in opposition to, the application. (Ord. No. 2009-6-6, Sec. 6.)

4.24.07 Licensing requirements

- A. Decal required No certificate shall be issued or continued in operation unless the holder thereof has secured from the city an annual permit decal for each vehicle granting the right to engage in the taxicab business. Permit decals shall be placed on the rear window of the permitted vehicle, and be clearly visible at all times. The licensing shall be for the calendar year, with holders required to file annual renewal applications and pay fees at least thirty (30) days prior to the end of each year, and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder or the vehicle or vehicles under his/her operation and control. All vehicles so licensed shall be required to show proof of the purchase of for hire tags from the state of Arkansas.
- B. Surety bond A.C.A. 14-57-306)
 - 1. No permit shall be granted under A.C.A. 14-57-304 until and unless the applicant shall file with the City Council or their designees a surety bond of a corporate surety authorized to do business in the state of Arkansas, in such amount as the city shall determine, conditioned upon the applicant establishing, maintaining, and continuing the proposed service until such time as the permit issued to applicant is cancelled, withdrawn, or has expired.
 - 2. If the applicant fails to comply with the provisions of the bond, the city shall forfeit such amount of the bond, as it shall deem necessary to adequately compensate the city for loss of the applicant's service.
 - 3. The amount of the bond is Two Hundred Dollars (\$200.00).

- C. Dispatching Every certificate holder shall maintain a dispatch system in operation during the hours of operation set forth in the application for the Certificate of Public Convenience and Necessity, capable of providing reasonably prompt service in response to requests received by telephone. Two-way radios are the preferred system. Citizens Band (CB) radios shall not be used. Direct cell phone communication between a fare and the driver of a taxicab for the purpose of hiring the services of the taxicab is allowed.
- D. Scanners prohibited The use of scanners or other similar devices to monitor the calls of other taxicab operators is hereby prohibited. (Ord. No. 2009-6-6, Sec. 7.)

4.24.08 Transfer of Certificate No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the city. (Ord. No. 2009-6-6, Sec. 8.)

4.24.09 Suspension, revocation of certificate

- A. A certificate issued under the provisions of this article may be suspended by the Code Enforcement Office if the holder thereof has
1. violated any of the provisions of this article,
 2. discontinued operations for more than twenty (20) days,
 3. violated any ordinances of the city, or the laws, federal or state, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.
- B. The Code Enforcement Office shall inform the City Council of all such suspensions, and may also recommend the revocation of a certificate. Upon such recommendation, the City Council shall set a time and place for a revocation hearing. The holder shall be given fifteen (15) days' written notice at the mailing address of record of the proposed action to be taken and shall be given an opportunity to be heard. (Ord. No. 2009-6-6, Sec. 9.)

4.24.10 Taxicab driver's permit required; issuance procedure

- A. No person shall operate a taxicab for hire upon the streets of the city and no person who owns or controls a taxicab shall permit it to be operated on the streets of the city at any time for hire, unless the driver of said taxicab shall have first obtained a taxicab driver's permit issued under the provisions of this subchapter.
- B. Application required

1. An application for a taxicab driver's permit shall be filed with the Code Enforcement Office on forms provided by the city and such application shall be verified under oath and shall contain the following information:
 - a. The names and addresses of four (4) residents of Independence County, who have known the applicant for a period of one (1) year and who will vouch for the sobriety, honesty and general good character of the applicant.
 - b. A concise history of his/her previous employment.
 - c. Satisfactory proof that the applicant is twenty-one (21) years of age or over, as required by A.C.A. 14-57-404.

- C. Before any application is considered by Code Enforcement Office the applicant shall be required to present a current Arkansas Driver's License, with the appropriate endorsement allowing the transport of passengers for hire.

- D. The Code Enforcement Office shall conduct, through the local sheriff's office, local Police Department or other appropriate law enforcement agency, a local background check of each applicant for a taxicab driver's permit, and a report of such background check and a copy of the traffic and police record of the applicant, if any, shall be attached to the application by the Code Enforcement Office. The applicant shall disclose if he or she has been convicted of any felony or misdemeanor DWI or DUI within the past six (6) years.

- E. The applicant must show proof that he or she does not carry any communicable diseases including but not limited to tuberculoses and hepatitis. This can be a letter from the applicant's family physician or from the Department of Health.

- F. It shall be the responsibility of the permittee to notify the Code Enforcement Office in writing within ten (10) days of any change in the status of the driver pertaining to the requirements of (D) and (E) above.

- G. The Code Enforcement Office shall, upon consideration of the application and the reports and certifications required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a hearing before the City Council to offer evidence why his/her application should be reconsidered.

- H. Form and term of permit
 1. Upon approval of an application for a taxicab driver's permit, the Code Enforcement Office shall issue to the applicant a driver's permit which

shall bear the name, address, age, signature and photograph of the applicant.

2. Said permit shall be in effect for the remainder of the calendar year. A renewal permit for each calendar year thereafter shall be issued, unless the permit for the preceding year has been revoked. Each certificate holder shall maintain copies of the driver's permit application and other supporting information so long as the driver is employed by the certificate holder. Each certificate holder shall promptly inform the Code Enforcement Office upon the termination or resignation of a driver. (Ord. No. 2009-6-6, Sec. 10.)

4.24.11 Display of permit Every driver under this article shall post his/her driver's permit in such a place as to be in full view of all passengers while the driver is operating the taxicab, and the permit shall be illuminated when necessary for viewing. (Ord. No. 2009-6-6, Sec. 11.)

4.24.12 Suspension, revocation or permit The Code Enforcement Office is hereby given the authority to suspend any driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article, such suspension to last for a period of not more than ten (10) days. The Code Enforcement office is also given authority to revoke any driver's permit for failure to comply with the provisions of this article. However, a driver's permit may not be suspended or revoked unless the driver has received written notice and has had an opportunity to present evidence in his behalf. (Ord. No. 2009-6-6, Sec. 12.)

4.24.13 Failure to comply with applicable law Every driver licensed under this article shall comply with all city, state, and federal laws. Failure to do so will justify the Code Enforcement Office in instituting proceedings for revocation of the driver's permit. (Ord. No. 2009-6-6, Sec. 13.)

4.24.14 Vehicles to be kept safe and sanitary Every vehicle operating under this article shall be subject to a thorough examination and inspection by the Code Enforcement Office. The cost of this inspection is included in the annual fee for the franchise and Certificate of Public Convenience. The vehicle must comply with such reasonable rules and regulations as may be prescribed by the Code Enforcement Office. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the Code Enforcement Office shall determine necessary. The vehicle, upon passage of an inspection shall be affixed with a decal that certifies the vehicle as safe to operate in the city of Batesville. If a properly inspected, licensed taxicab with decal is taken out of service and replaced with another taxicab, the replacement taxicab must be inspected by the Code Enforcement Office and receive a decal with the owner paying One Hundred Dollars (\$100.00) administrative fee.

Each vehicle operating as a taxicab must be kept clean and sanitary. Complaints received from the public to the Code Enforcement Office will be investigated, and if deemed necessary, will be just cause for suspension or revocation of the driver's permit. (Ord. No. 2009-6-6, Sec. 14.)

4.24.15 Designation of vehicle as taxicab by insignia or the like No vehicle covered by the terms of this article shall be licensed whose color scheme, identifying design, monogram, or insignia to be used thereon shall, in the opinion of the Code Enforcement Office, conflict with or imitate any color scheme, identifying design, monogram or insignia used in or on a vehicle or vehicles already operating under this article, in such a manner as to be misleading or tend to deceive or defraud the public, and provided further, that if, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia is used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the license of or certificate covering such taxicab or taxicabs shall be suspended or revoked. The holder of the Certificate of Public Convenience and Necessity shall also be required to display the decal affirming the safe condition of the vehicle. In addition, every taxicab shall have affixed to its roof an illuminated sign bearing either the word "Taxicab" or "Taxi." (Ord. No. 2009-6-6, Sec. 15.)

4.24.16 Acceptance, discharge of passengers

A. Duties of drivers

1. Restrictions on number of passengers No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of the taxicab as defined by the vehicle manufacturer. Every taxicab, as required by Arkansas law, shall carry a child safety seat and the driver shall know how to properly install and safely use such device. A child under six (6) years of age, properly restrained by a child safety seat shall not be counted as an extra passenger when accompanied by an adult.
2. Refusal to carry orderly passengers prohibited No driver shall refuse or neglect to convey any orderly person or persons, or any person or persons accompanied by a Seeing Eye dog. It shall not be unlawful for a driver to refuse or neglect to convey any passenger who has previously refused or failed to pay a legal fare as provided in this article.
3. Prohibitions of drivers It shall be a violation of this article for any driver of a taxicab to solicit business for any hotel or motel, or to attempt to divert patronage from one hotel or motel to another. Neither shall such driver engage in selling intoxicating liquors or use his vehicle for any illegal purpose.

4. Passengers without fare prohibited No driver shall permit any person to be carried in a taxicab as a passenger without payment of the legal fare mentioned in this article while a fare paying passenger is also being carried in the cab.
- B. Shared ride vs. exclusive ride All persons engaged in the taxicab business in the city, operating under the provisions of this article, shall render an overall service to the public desiring to use taxicabs. Such service may be a “shared ride” taxicab system where the consent of passengers is not needed to pick up or discharge additional passengers, nor to choose the route taken by the vehicle, or, such service may be an “exclusive ride” taxicab system providing door-to-door service in which the party hiring the vehicle has exclusive use of the vehicle and may direct the vehicle’s route and destination. Under the shared ride system, a maximum of three (3) pickups at different locations shall be permitted, after which all parties must reach their destination before additional pickups can be made.
- C. Response to calls Holders of Certificate of Public Convenience and Necessity shall answer all calls received by them during the hours of operation specified on the holder’s application for services inside the corporate limits of the city as soon as they can do so, and, if said services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason for the delay. Any holder who shall refuse to accept a call anywhere in the corporate limits of the city at any time when such holder has available cabs shall be deemed in violation of this article, except on those occasions when the local police authorities declares the streets of the city to be unsafe due to inclement weather. Any vehicle operated under the provisions of this article shall be equipped with snow tires or chains when required by weather conditions. (Ord. No. 2009-6-6, Sec. 16.)

4.24.17 Signed receipt to passenger upon request The driver of any taxicab shall, upon demand by the passenger, render to such passenger a signed receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the taxicab company, the assigned number of the taxicab, amount of charges, and date and time of transaction. (Ord. No. 2009-6-6, Sec. 17.)

4.24.18 Refusal of passenger to pay fare It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this article after having hired the same, and it shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Ord. No. 2005-11-1, as amended from time to time. (Ord. No. 2009-6-6, Sec. 18.)

4.24.19 Daily manifest to be kept Every company shall maintain a daily manifest upon which are recorded all trips made each day, showing the time and place or origin and destination of each trip and amount of fare. The forms for each manifest shall be of a character approved by the Code Enforcement Office. (Ord. No. 2009-6-6, Sec. 19.)

4.24.20 Advertising Subject to the restrictions provided herein, it shall be lawful for any person owning or operating a taxicab, bus, van or motor vehicle for hire to permit advertising matter to be affixed or installed in or on such taxicab, bus, van or motor vehicle for hire. The advertising shall not in any way obstruct the vision of the driver of the vehicle. Advertising on a taxicab shall be limited to one sign located on the rear of the vehicle which sign shall not exceed nine (9) square feet in area. Advertising on a bus or van shall be limited to one sign on the rear of the vehicle, none of which such signs shall exceed twelve (12) square feet in area. (Ord. No. 2009-6-6, Sec. 20.)

4.24.21 Meter established It shall be unlawful for any person, owning, operating, driving, or in charge of any taxicab for hire in the city to drive or operate such taxicab, or to use or advertise in connection therewith the word "taxi," or "taxicab," or "cab" or in soliciting trade from the public to represent or exhibit such vehicle as a "taxi," "taxicab," or "cab" unless such vehicle is equipped with an approved fare meter according to the provisions of this chapter. An approved fare meter is a meter that registers accumulating fare charge with each amount being visible to passenger(s). The holders possessing the Certificate of Public Convenience and Necessity shall at the time of application and annual thereafter, provide to the Code Enforcement Office where an annual inspection has been made on the fare meter of each vehicle in service. (Ord. No. 2009-6-6, Sec. 21.)

CHAPTER 4.28

ECONOMIC DEVELOPMENT GRANT PROGRAM

Sections:

4.28.01	Goals and objectives of the city
4.28.02	Applications
4.28.03	Processing of applications
4.28.04	Awards process
4.28.05	Administration of the Grant Program
4.28.06	Non compliance

4.28.01 Goals and objectives of the city The objective of the Batesville Economic Development Grant Program is to award grants to non-profit corporations to encourage the location, relocation, creation or development of environmentally safe business, industry, manufacturing facilities, transportation facilities or other economic units which create jobs, employ people or generally promote economic activity. (Ord. No. 90-3-1, Sec. 1)

4.28.02 Applications The Mayor of the city of Batesville, Arkansas, is authorized to promulgate standard forms that will be used by applicants applying for Batesville Economic Development Grants. The applications will be available at City Hall during normal business hours. All applications for Economic Development Grants must contain the following information to be considered by the city: (a) Applicants will demonstrate five (5) years of experience in Economic Development; (b) Applicants will attach documentation showing the non-profit status of the organization (c) Applicants must briefly outline the organization's history of economic development; (d) The applicant must be able to demonstrate the legal authority and ability to perform activity described in the application and the legal authority to apply for and receive the Economic Development Grant (e) Applications will clearly set out the goals and objectives of the organization and the particular purpose of the Economic Development Grant. The application must also clearly state how these goals and objectives fit within the goals and objectives of the Batesville Economic Development Grant program. (Ord. No. 90-3-1, Sec. 2)

4.28.03 Processing of applications Only applications submitted by qualified not-for-profit organizations will be considered. To be eligible, the applicant must demonstrate five (5) years of experience in economic development, not-for-profit status, and the legal authority to apply for and accept the grant.

Applications must be received at the Mayor's office of the city of Batesville, Arkansas, no later than November 1st for grants to be awarded in the following calendar year. The application will be considered properly tendered if received in a timely manner and all the forms approved and furnished by the city of Batesville, Arkansas. (Ord. No. 90-3-1, Sec. 3)

4.28.04 Awards process The Mayor shall collect all applications for Batesville Economic Development Grants and submit them to the Batesville City Council for review. The City Council, along with the Mayor, will review all applications and rank the application in descending order. The Mayor and City Council will consider which applications will best fulfill the economic goals and objectives of the Economic Development Grant Program.

The Mayor and City Council shall then award the Economic Development Grant, or Grants, to the applicants based upon their rank order on the list of grant applications described above. The grant or grants may be awarded until all funds appropriated by the City Council for the next calendar year have been expended. No. grants will be awarded in excess of the amount budgeted by the City Council for the Economic Development Grant Program in any particular calendar year. (Ord. No. 90-3-1, Sec. 4)

4.28.05 Administration of the Grant Program The Mayor of the city of Batesville, Arkansas, will administer the Grant Program authorized under this ordinance. The Mayor shall take all actions reasonably necessary to insure that the funds are used for the purposes for which the Grant is to be awarded.

Organizations receiving Economic Development Grants shall file quarterly reports with the Mayor of the city of Batesville, Arkansas. Said reports shall explain the exact amount of expenditures of all Grant funds, the purposes for which the Grant was awarded and expended, the economic development goals and objectives that were accomplished in that particular quarter, and demonstrate that all expenditures were reasonably necessary to accomplish the economic development task of the grant and the economic development goals and objectives of the city of Batesville, Arkansas.

All such quarterly reports filed shall be furnished to the City Council for their review. Each quarterly report shall be filed with the Mayor of the city of Batesville, Arkansas, no later than the close of business on the Monday preceding the first regular meeting of the City Council in the month following the close of that particular calendar quarter. The final quarterly report or annual report shall be filed with the office of the Mayor within thirty (30) days after the end of the calendar year.

The City Council may request the attendance of a representative of the organization to explain or elaborate on the quarterly reports and annual reports filed under this ordinance. (Ord. No. 90-3-1, Sec. 5)

4.28.06 Non compliance If any applicant or organization awarded a grant under this ordinance fails or refuses to comply with the terms and conditions of this ordinance and the conditions, if there be such, of a particular grant, then that organization may not receive any future disbursements under a particular grant already awarded, and may lose the right to receive future Economic Development Grants. (Ord. No. 90-3-1, Sec. 6)