

ORDINANCE NO.: 2007-069

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,  
Chapter 24, Vehicles for Hire, Division 2, Driver's Permit,  
Sec. 24-72, Investigation of application; persons ineligible for permit and  
Sec. 24-81, Appeals*

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BE IT ORDAINED by the Mayor and Council this 19th day of September, 2007, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 24, Vehicles for Hire, Division 2, Driver's Permit, Sec. 24-72, Investigation of application; persons ineligible for permit and Sec. 24-81, Appeals, are amended to read as follows:

**Sec. 24-72. Investigation of application; persons ineligible for permit.**

(a) Before issuing any permit as required by this section, the chief of police or his designee shall investigate the facts set out in such application, and shall not grant such permit to any applicant who:

- (1) Has been or could be classified as a habitual offender as defined in S.C. Code Ann. §56-1-1020 (2006) and as that section may from time to time be amended;
- (2) Except as provided in subsections (3) and (4), has been convicted of a violation of any law or ordinances involving moral turpitude within the previous five years;
- 3) Has been convicted, regardless of the length of time since conviction, of an offense involving:

- (a) assault and/or battery of a high and aggravated nature;
- (b) assault and/or battery with intent to kill;
- (c) auto theft;
- (d) attempted auto theft;
- (e) bank robbery;
- (f) accessory to bank robbery;
- (g) robbery; or
- (h) manslaughter.

Provided, however, that the chief of police or his designee shall have the authority to issue a permit to any applicant who has been convicted of any offense referenced in this subsection provided that:

- (1) a period of ten years has passed since the completion of any sentence, period of parole or probation related to such crime; and,
- (2) the applicant can demonstrate that he has not been convicted of a criminal offense since the plea or conviction was entered; and,
- (3) the applicant can demonstrate that he has had no more than six (6) points assessed against his driver's license at any one time since the completion of any sentence, period of parole or probation related to such crime.)
- (4) Has been convicted, regardless of the length of time since conviction, of any of the

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following offenses:

(a) any sex offense which would cause the applicant to be included on the Sexual Offender Registry as defined in S. C. Code Ann. §23-3-430 (2006) and as that section may be amended from time to time;

(b) trafficking in a controlled substance;

(c) distribution, sale, manufacture or possession with intent to distribute a controlled substance;

(d) purchase of a controlled substance while in, on, or within a half mile radius of (the grounds of a school), public playground or public park; or

(e) murder.

(b) The provisions of this section shall not bar permit renewal for any person who holds a valid permit as of the effective date of the ordinance from which this section is derived and who may have been convicted of any of the offenses enumerated in this section prior to the date that permit was issued.

(c) For purposes of this section, "conviction" is defined as entering a plea of guilty, entering a plea of nolo contendere, being found guilty by a judge or jury, or forfeiting bail or bond on a charge.

#### **Sec. 24-81. Appeals.**

(a) Any person dissatisfied with the decision of the chief of police or his designee denying a permit or revoking a permit under this division shall have the right of appeal as set out below. Notice of intention to appeal, fully setting forth the grounds of the appeal, must be given in writing and served on the city clerk within ten days after the denial or revocation of a permit or the appeal is waived.

(b) The appeal hearing shall be conducted by a three-person panel. The city manager shall appoint the members of the panel and shall designate one of the appointees to act as chairperson. The chairperson shall convene the panel for the hearing within ten (10) working days of the filing of the appeal. At the hearing, the panel shall accept any relevant documents or statements from the appellant and from the police chief or his designee. The panel shall make a written recommendation within ten (10) working days to the city manager to uphold or reverse the decision of the police chief based on its interpretation of the facts and applicable sections of this division. The recommendation of the panel shall be approved by a majority of the panel members. The chairperson of the panel shall immediately notify the appellant in writing of the panel's recommendation. Proceedings before the panel shall be recorded by the city clerk. Either party may have the proceedings recorded by additional means at their own expense. The city manager may uphold or reverse the recommendation of the panel subject to the provisions of this section. The city manager will make his determination within ten (10) working days of the panel's decision.

(c) Any party dissatisfied with the decision of the city manager shall have the right of appeal to the circuit court. A petition, fully setting forth the grounds of appeal, must be given in writing and served on the city manager and filed with the clerk of court for the circuit court within ten days after the decision of the city manager is announced. There shall be no trial de novo on

any appeal. The circuit court will review the record of the proceedings before the city manager or his designee for errors of law only.

Requested by:

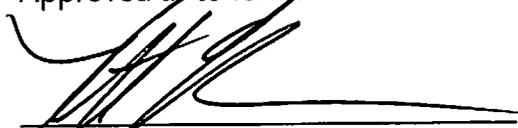
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MAYOR

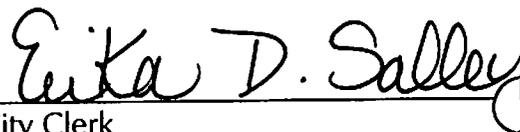
Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
Interim City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

Introduced: 9/5/2007

Final Reading: 9/19/2007

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