

Town Code

Chapter 9

ARTICLE IV.-- TAXICABS Reserved.

~~DIVISION 1.-- GENERALLY~~

~~Sec. 9-76.-- Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Driver* means every person in charge of operating a taxicab.~~

~~*Driver's permit* means a permit granted to the driver of a taxicab.~~

~~*Owner* means any person having control of the operation or maintenance and collection of the revenue of taxicabs, or any person who holds the legal title of a vehicle. If a vehicle is subject to an agreement of conditional sale or lease thereof, with the right of purchase dependent upon performance of the conditions stated in the agreement and with the immediate mortgagor of a vehicle entitled to possession, the conditional vendee, lessee, or mortgagor shall be deemed the owner for the purposes of this article.~~

~~*Owner's permit* means a permit granted to the operator of a taxicab business.~~

~~*Street* means any street, alley, avenue, land, public place, or highway within the limits of the town and within a radius of two miles beyond the corporate limits in all directions.~~

~~*Taxicab* means every vehicle driven or propelled by gasoline, other than motorbuses operating in and through the town, which shall be used for the purpose of carrying, transporting, or conveying any person from one place to another, for which services a charge or fee is made.~~

~~(Ord. No. O-2008-03, § 9-76, 5-12-2008)~~

~~Sec. 9-77.-- Compliance with laws.~~

~~(a) Every taxicab shall be operated in accordance with state law and this Code and other ordinances of the town and with due regard for the safety, comfort, and convenience of passengers, the safe and careful transportation of property, and the safety of the general public.~~

~~(b) No taxicab shall be operated at a rate of speed greater than that established by state law or by this Code or other ordinances of the town, not in any event without proper regard for the general safety of the passengers or the public.~~

~~(Ord. No. O-2008-03, § 9-77, 5-12-2008)~~

~~Sec. 9-78.-- Use of unlicensed vehicles.~~

~~The use of any unlicensed vehicles for taxicab purposes is hereby prohibited. Any vehicle used for the transportation of passengers for hire in any manner shall have the necessary state and town licenses. Any violation of this section shall be sufficient cause for the suspension or revocation of the owner's permit to operate taxicabs in the town.~~

~~(Ord. No. O-2008-03, § 9-78, 5-12-2008)~~

~~Sec. 9-79.—Privilege license.~~

~~Every taxicab owner operating in the town who shall be issued an owner's permit for the operation of motor vehicles for hire shall pay the required annual privilege license tax as provided by the schedule of license taxes on file in the finance office.~~

~~(Ord. No. O-2008-03, § 9-79, 5-12-2008)~~

~~Sec. 9-80.—Liability insurance.~~

- ~~(a) The operator of every taxicab engaged in the business of transporting passengers for hire over the public streets of the town shall furnish and keep in effect for each taxicab a policy of insurance which shall conform to the minimum requirements set by the town board, on file in the finance office. The policy of insurance shall set forth a description of each taxicab operating under the terms of such policy, including the year, make, model, vehicle identification number and state license number for each taxicab. The minimum insurance requirements set by the town board are as follows: Business automobile, \$100,000.00 bodily injury per person, \$300,000.00 bodily injury per accident, \$50,000.00 property damage.~~
- ~~(b) Any person failing to comply with this section and failing to furnish the policy of insurance as provided in this section shall be guilty of a misdemeanor, and each day's violation shall constitute a separate offense.~~

~~(Ord. No. O-2008-03, § 9-80, 5-12-2008)~~

~~Sec. 9-81.—Record of owner's name and address, etc.~~

~~Every owner shall maintain on file with the finance office his name, business address, all business telephone numbers, and the names of all of his drivers, their driver's license numbers and addresses, and the owner shall within two days report any change to the finance office.~~

~~(Ord. No. O-2008-03, § 9-81, 5-12-2008)~~

~~Sec. 9-82.—Accident reports.~~

~~All accidents from or in connection with the operation of taxicabs which result in personal injury or damage to any property shall be reported to the police department as soon as possible.~~

~~(Ord. No. O-2008-03, § 9-82, 5-12-2008)~~

~~Sec. 9-83.—Amounts of fares.~~

~~No owner or driver of any taxicab shall charge for its use within the town an amount greater than an amount which is in accordance with the rates established by the town board. These rates are set from time to time, and a schedule of such rates is on file in the finance office and must be posted in the taxicab so it is visible to the public. The current fare in effect is \$1.95 per mile.~~

~~(Ord. No. O-2008-03, § 9-83, 5-12-2008)~~

~~Sec. 9-84.—Color scheme and insignia.~~

~~Subject to the approval of the town board, each owner of a taxicab business shall adopt a color scheme for lettering his cabs which is distinct from that of any other owner, or he may adopt an identifying design, monogram, or other insignia. All taxicabs of each owner shall be of the same color scheme. A name identifying the taxicab company, taxicab number, and telephone number shall be painted with permanent paint or have permanent vinyl letters applied on both sides and the rear of each cab with letters and numbers at least four inches high. The colors of paint or vinyl to be used for lettering and numbering shall be in sharp contrast with the colors of the surface paint to which they are applied, so as to be evenly visible at a reasonable distance, especially at nighttime by the illumination of streetlights. No lettering or numbering shall be acceptable which has been painted upon or vinyl letters adhering to a sheet of metal or other material, which in turn can be removed or detached to conceal the identification of the cab company and cab number.~~

~~(Ord. No. O-2008-03, § 9-84, 5-12-2008)~~

~~Sec. 9-85.— Limitations on number of persons in front seat.~~

~~No driver shall permit or cause any person to ride in the front seat of any taxicab unless the rear seat is occupied to full seating capacity, and at no time shall more than one person, in addition to the driver, ride in the front seat of any taxicab provided that this section shall not apply to the transportation of handicapped persons and unattended children under ten years of age.~~

~~(Ord. No. O-2008-03, § 9-85, 5-12-2008)~~

~~Secs. 9-86—9-95.— Reserved.~~

~~DIVISION 2.— OWNER'S PERMIT~~

~~Sec. 9-96.— Required.~~

~~It shall be unlawful for any person within the corporate limits to engage in the business of operating one or more taxicabs or to permit any taxicab of which the person is the owner to be driven, unless an owner's permit shall have been issued and be in effect. The permit shall constitute a certificate of convenience and necessity.~~

~~(Ord. No. O-2008-03, § 9-96, 5-12-2008)~~

~~Sec. 9-97.— Application.~~

~~No taxicab owner's permit shall be issued to any person until and unless the person shall have made and filed with the town clerk, directed to the town board, an application therefor, sworn to before a notary public or other officer authorized to administer oaths, on application forms provided by the town. The sworn application for the permit shall contain the following information:~~

- ~~(1) The name and address of the applicant, owner, and, if the applicant is a corporation, a certified copy of the articles of incorporation.~~
- ~~(2) The number of vehicles actually owned and the number of vehicles actually operated by such owner on the date of such application, if any.~~
- ~~(3) The number of vehicles to be operated under the owner's permit applied for.~~
- ~~(4) The make, model, year of manufacture, vehicle identification number, and passenger capacity of each taxicab to be operated under the owner's permit applied for.~~

- ~~(5) The court record of the applicant. If the applicant is a corporation, the court record of the officers, directors, and supervisors of employees thereof.~~
- ~~(6) The experience of the applicant in the transportation of passengers for hire.~~

~~(Ord. No. O-2008-03, § 9-97, 5-12-2008)~~

~~Sec. 9-98. Issuance or refusal.~~

- ~~(a) After giving due consideration to the information set forth in the application for a taxicab owner's permit and such other pertinent information and evidence as may be presented, the town board shall authorize the issuance of an owner's permit to the applicant, upon such conditions as the town board may deem that the public interest and welfare require, unless the town board shall find and determine that:
 - ~~(1) The applicant (owner) has not complied with all the provisions of this article;~~
 - ~~(2) There are unpaid or unbonded judgments of record against such applicant (owner); or~~
 - ~~(3) The criminal record of the applicant, or of the officers, directors, or supervising employees of a corporate applicant, if any, is such that it would be against the public interest and welfare for such application to be granted.~~~~
- ~~(b) If the town board shall so find and determine adversely to the applicant in any instance, the town board may refuse to grant and to authorize the issuance of an owner's permit.~~
- ~~(c) The town board may refuse to issue an owner's permit to any person who has been convicted of a felony or of a violation of any federal or state statute relating to the use, possession, or sale of intoxicating liquors; any federal or state statute relating to prostitution; any federal or state statute relating to the use, possession or sale of any habit-forming drugs or narcotic drugs; or to a person who has been an habitual violator of traffic laws and ordinances.~~

~~(Ord. No. O-2008-03, § 9-98, 5-12-2008)~~

~~Sec. 9-99. Forms and contents.~~

- ~~(a) The taxicab owner's permit shall contain the name and address of the owner to whom it is granted, the number, kind, and description of the vehicles the operation of which is authorized by such owner's permit, and a statement that the permit is issued subject to full compliance with the provisions of this article and is subject to revocation as provided by this article. Each owner's permit shall bear the signature of the town manager and the official seal of the town.~~
- ~~(b) Subject to the provisions of this article, a taxicab owner's permit shall remain in force and effect until midnight on the June 30 following the date of issue. The taxicab owner's permit holder shall renew the permit, through the finance office, by June 30 of each year.~~

~~(Ord. No. O-2008-03, § 9-99, 5-12-2008)~~

~~Sec. 9-100. Suspension and revocation.~~

- ~~(a) A taxicab owner's permit may be suspended or revoked by the town board at any time in case the town board finds and determines that:
 - ~~(1) As many as three traffic law violation convictions plus one additional conviction for each taxicab line operated, or one liquor or narcotics law violation conviction have occurred among the drivers of the applicant's company, or by the owner himself, within the 12 months from January 1 through December 31;~~~~

- ~~(2) The past record of the holder of the owner's permit is unsatisfactory, and it is detrimental to and not in the public interest to permit the continued operation of a taxicab business by such person;~~
 - ~~(3) The owner has failed to operate a taxicab in accordance with the provisions of this article;~~
 - ~~(4) The holder of a permit has failed to register properly with the state or with the town, in the correct and true owner's name, any taxicab covered in the owner's permit;~~
 - ~~(5) The holder of the permit is using private cars or cars not licensed to be operated as taxicabs, either not having state or town licenses, for the purpose of transporting passengers for various sums or fees, whether such fees are reported or not; or~~
 - ~~(6) The holder of an owner's permit has been convicted of a felony or a violation of any federal or state statute or provision of this Code or other town ordinance relating to prostitution; any federal or state statute or provision of this Code or other town ordinance relating to the use, possession, or sale of narcotic drugs or intoxicating liquors; repeated violations of traffic laws or ordinances; or has become an habitual user of intoxicating liquors or narcotic drugs.~~
- ~~(b) No owner's permit shall be suspended or revoked unless and until at least five days' written notice of the time and place of the hearing shall have been given to the holder of the permit.~~

~~(Ord. No. O-2008-03, § 9-100, 5-12-2008)~~

~~Sec. 9-101. -- Revocation on change of ownership.~~

~~Change of ownership of or title to any taxicab shall automatically revoke any permit previously granted, to the extent applicable to the operation of the taxicab. The purchaser of any such taxicab shall not operate the vehicle as a taxicab, unless and until he has applied for and has been granted an owner's permit in the manner provided by this division.~~

~~(Ord. No. O-2008-03, § 9-101, 5-12-2008)~~

~~Sec. 9-102. -- Surrender of permits; operation of taxicabs to cease.~~

~~Taxicab owner's permits which shall have been suspended by the town board shall be surrendered to the town clerk, and the operation of any taxicabs covered by the permits shall cease.~~

~~(Ord. No. O-2008-03, § 9-102, 5-12-2008)~~

~~Sec. 9-103. -- Surrender of permits on retirement of taxicabs.~~

~~Any owner who shall permanently retire any taxicab from taxicab service and does not replace the taxicab within 45 days shall immediately surrender any permits granted for the operation of the taxicab to the town clerk.~~

~~(Ord. No. O-2008-03, § 9-103, 5-12-2008)~~

~~Secs. 9-104 -- 9-114. -- Reserved.~~

~~DIVISION 3. -- DRIVER'S PERMIT~~

~~Sec. 9-115. -- Required.~~

~~No person shall drive any taxicab within the corporate limits or within a radius of two miles beyond the corporate limits in all directions, unless he shall have been issued a taxicab driver's permit by the town manager which is then in force and effect.~~

~~(Ord. No. O-2008-03, § 9-115, 5-12-2008)~~

~~Sec. 9-116.— Application.~~

- ~~(a) Each applicant for a taxicab driver's permit shall file application with the chief of police, directed to the town manager, on forms to be provided by the town clerk, and shall, among other items, show his full name; address; physical condition with particular reference to hearing, eyesight, and use of intoxicating liquors and drugs; physical description; age; race; place of birth; length of time he has resided in the town; whether he is a citizens of the United States; previous places of employment for three years prior to date of application; whether he is married or single; his court record; and his state driver's license number.~~
- ~~(b) The application and statement shall be signed and sworn to by the applicant, and any false statement made by an applicant in applying for a driver's permit shall invalidate the permit issued to the applicant, and upon conviction, the applicant shall be punished in accordance with section 1-6, pertaining to general penalties, enforcement of ordinances, and continuing violations.~~
- ~~(c) The applicant's fingerprints shall be impressed on each application form or other form furnished by the town in the space provided.~~
- ~~(d) Each application shall have attached thereto two recent photographs of the applicant, of such size as may from time to time be designated by the town manager.~~

~~(Ord. No. O-2008-03, § 9-116, 5-12-2008)~~

~~Sec. 9-117.— Investigation of applicant by police department.~~

~~It shall be the duty of the chief of police to cause a thorough investigation to be made of each applicant for a taxicab driver's permit. In the discretion of the chief of police, or at the direction of the town manager, an examination authorized by section 9-118 may be required.~~

~~(Ord. No. O-2008-03, § 9-117, 5-12-2008)~~

~~Sec. 9-118.— Examination of applicant by chief of police; medical examination.~~

~~Each applicant for a taxicab driver's permit may be examined by the chief of police as to his knowledge of the provisions of this article, and each applicant may be required to have a medical examination as to his physical condition and to exhibit a current health certificate.~~

~~(Ord. No. O-2008-03, § 9-118, 5-12-2008)~~

~~Sec. 9-119.— Qualifications of applicant; fee.~~

~~No taxicab driver's permit shall be issued or renewed unless the applicant for a taxicab driver's permit shall meet the following requirements:~~

- ~~(1) Be at least 21 years of age;~~
- ~~(2) Produce, on forms provided by the town, affidavits establishing his good character from three reputable citizens of the town who have known him personally and observed his conduct during one year immediately preceding the date of his application;~~

- ~~(3) — Hold a valid state driver's license issued by the authority of the state;~~
- ~~(4) — Be clean in dress and in person;~~
- ~~(5) — Be not addicted to the use of narcotic or other habit-forming drugs or intoxicating liquors;~~
- ~~(6) — Be of sound psyche, with good eyesight and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of a taxicab;~~
- ~~(7) — Pay the current fee for the issuance of a permit, payable to the town. The town currently does not have a permit fee, only the privilege license tax of \$15.00. State law, G.S. 20-97(d), allows a tax of \$15.00 on each cab, as well as the privilege license tax.~~

~~(Ord. No. O-2008-03, § 9-119, 5-12-2008)~~

~~Sec. 9-120. — Issuance; contents.~~

- ~~(a) — Should the town manager find that the applicant for a taxicab driver's permit has satisfactorily complied with the conditions and requirements of this division, he shall cause to be issued a driver's permit, in a form the town manager may prescribe.~~
- ~~(b) — The driver's permit shall bear a recent photograph of the driver to whom it is issued and shall show the name, address, height, weight, and age of the driver and the expiration date of the permit. The driver's permit shall specify the holder of an owner's permit for whom such driver shall drive, and no driver shall operate a cab for any other holder without securing a new permit from the town manager designating the new owner.~~

~~(Ord. No. O-2008-03, § 9-120, 5-12-2008)~~

~~Sec. 9-121. — Refusal; appeal.~~

- ~~(a) — The town manager shall refuse to grant or renew a taxicab driver's permit in the case of an application from any person who:~~
 - ~~(1) — Within a period of five years immediately prior to the date of his application has been convicted of a felony;~~
 - ~~(2) — Within a period of three years immediately prior to the date of his application has had his state automobile driver's license or permit suspended or revoked;~~
 - ~~(3) — Within a period of three years immediately prior to the date of his application shall have been convicted of driving a motor vehicle while intoxicated;~~
 - ~~(4) — Within a period of three years immediately prior to the date of his application shall have been convicted of a violation of any law, city, state, or federal, relating to the use, possession, or sale of intoxicating liquors;~~
 - ~~(5) — Within a period of three years immediately prior to the date of his application shall have been convicted of any law, city, state or federal, relating to prostitution;~~
 - ~~(6) — In or, within a period of three years immediately prior to the date of his application, has been a habitual user of intoxicating liquors, narcotic drugs, or barbiturate drugs;~~
 - ~~(7) — Has been convicted of any criminal court of two or more violations of traffic laws or ordinances within any period of 12 months during the 36 months immediately preceding the date of the application for such taxicab driver's permit; or~~
 - ~~(8) — Is a person of such bad character or reputation that it would be clearly contrary to the public interest, safety, and welfare to permit such applicant to driver a taxicab.~~

~~(b) If the town manager refuses to grant a permit under this section, the applicant shall have the right, within ten days after such refusal, to appeal to and be heard by the town board, whose decision on the question of granting or refusing the permit shall be final and conclusive. Notice of appeal to the town board shall be given in writing and filed with the town clerk.~~

~~(Ord. No. O-2008-03, § 9-121, 5-12-2008)~~

~~Sec. 9-122. -- Revocation or suspension by town board.~~

~~At any time after the issuance of a taxicab driver's permit to any person to drive a taxicab, the town board may revoke such permit if the person holding the permit is convicted of a felony; a violation of any federal or state statute or provision of this Code or other town ordinance relating to the use, possession, transportation, or sale of intoxicating liquors; a violation of any federal or state statute or provision of this Code or other town ordinance relating to the use, possession, or sale of narcotic drugs or barbiturate drugs; two or more violations of traffic laws or ordinances of the town; or if he becomes an habitual user of intoxicating liquors or narcotic drugs. The town board may suspend the permit for the time it may deem proper on any ground sufficient for a revocation of a permit, or if the person holding such permit shall be found to have in his possession or custody any quantity whatsoever of intoxicating liquor, within his cab or on his person, or if he has violated any provision of this article.~~

~~(Ord. No. O-2008-03, § 9-122, 5-12-2008)~~

~~Sec. 9-123. -- Suspension by town manager.~~

~~The town manager shall have the authority to suspend any taxicab driver's permit and require the surrender thereof for a period not to exceed 30 days upon conviction of a violation of this Code or any town ordinance, or of any statute dealing with the public safety or public morals, or upon any grounds sufficient for a revocation of the license.~~

~~(Ord. No. O-2008-03, § 9-123, 5-12-2008)~~

~~Sec. 9-124. -- Expiration; renewal.~~

~~Subject to the provisions of this article, a taxicab driver's permit shall remain in force and effect until midnight on the June 30 following the date of issue. The taxicab driver's permit holder shall renew the permit through the finance office by June 30 of each year.~~

~~(Ord. No. O-2008-03, § 9-124, 5-12-2008)~~

Sec. 9-76 - 9-125. - Reserved.