

CHAPTER 114: TAXICABS

Section

General Provisions

- 114.01 Definitions
- 114.02 Violation of speed laws
- 114.03 Rate schedule
- 114.04 Identification of cabs and driver
- 114.05 Insurance required

Issuance of Certificate

- 114.15 Unlawful to operate without certificate
- 114.16 Application required
- 114.17 Council issues certificates
- 114.18 Duration of certificate
- 114.19 Determination of convenience and necessity
- 114.20 Hearings; notices
- 114.21 Burden of proof
- 114.22 Failure to begin operations
- 114.23 Transfer
- 114.24 Revocation of certificate
- 114.25 Substitution of vehicles

GENERAL PROVISIONS

§114.01 DEFINITIONS

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

CONTRACT HAULERS: Passenger-carrying vehicles for hire who operate from a place of business or points outside the corporate limits of the city, and who transport passengers from outside the corporate limits of the city on contracts that originate outside the city limits to points within the city, and pick up and/or return the same people to points outside the city.

TAXICAB: Any motor vehicle seating nine or fewer passengers operated upon any street or highway on call or on demand, accepting or soliciting passengers indiscriminately for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported, and shall not include motor vehicles or cabs as

defined in G.S. §62-3(17) and (18) or contract haulers from outside the corporate limits of the city.

('67 Code, Ch. H., Art. II, §1) (Ord. passed 8-13-62)

§114.02 VIOLATION OF SPEED LAWS

It shall be unlawful to operate a taxicab at a greater speed than provided for by the ordinances of the city or by the laws of the state, and upon conviction for two successive times during a period of one year, the permit to operate the cab shall be forfeited and automatically revoked.

('67 Code, Ch. H, Art. II, §14) Penalty, see §10.99

§114.03 RATE SCHEDULE

The maximum rates to be charged shall be as follows:

(Reserved)

('67 Code, Ch. H, Art II, §16)

§114.04 IDENTIFICATION OF CABS AND DRIVER

- (A) There shall be posted in a conspicuous place in each taxicab or motor vehicle for hire the driver's permit, which permit shall contain the name, age, race, and sex of the driver, together with a photograph of the driver.
- (B) That every motor vehicle for hire which shall operate on the streets of the city shall have posted, painted or placed on both sides of the body of said the in lettering not less than two inches in width the name of the person, firm or corporation owning or operating the car and also the number of the car with reference to the number of permits granted the owner.
- (C) Each driver of a motor vehicle for hire shall apply in writing to the Chief of Police for a permit to operate said taxicab, showing in the application for who he proposes to operate, his age, sex and color and shall also furnish information as to his morals and character.

('67 Code, Ch H, Art II, §16) Penalty, see §0.99

§114.05 INSURANCE REQUIRED

- (A) Every person, firm or corporation anticipating operating taxicabs or motor vehicles for hire in the city shall carry liability insurance on each cab or motor vehicle to be operated by said person, firm or corporation, which insurance shall be in an amount not less than the minimum liability insurance required by the applicable laws of the state. In the event of a judgment against the person, firm or corporation to which a taxicab franchise is granted for more than our amount covered by insurance and the judgment is not paid the franchise of the person, firm or corporation to operate a

taxicab or cabs within the city shall be revoked upon notice to the person, firm or corporation.

- (B) Sufficient evidence of insurance shall be filed with the City Manager as a condition precedent to the operation of any such vehicles for hire in the city.
(‘67 Code, Ch H, Art II, §17) Penalty, see §10.99

ISSUANCE OF CERTIFICATE

§114.15 UNLAWFUL TO OPERATE WITHOUT CERTIFICATE

It shall be unlawful for any person to operate a taxicab upon and over the streets of the city without first having applied for and secured from the City Council a Certificate of Convenience and Necessity as hereinafter set forth.
(‘67 Code, Ch H, Art II, §2) Penalty, see §10.99

§114.16 APPLICATION REQUIRED

Every person desiring to operate a taxicab upon and over the streets of the city shall file on forms supplied by the Chief of Police an application for a Certificate of Convenience and Necessity.
(‘67 Code, Ch H, Art II, §3)

§114.17 COUNCIL ISSUES CERTIFICATE

The City Council shall have power and it shall be its duty to order certain certificates issued or to refuse to issue certain certificates or to issue certificates for a partial exercise only of the privileges sought and may attach to the exercise of the rights granted only by such certificate such terms and conditions as in their judgment the public convenience and necessity may require.
(‘67 Code, Ch H, Art II, §4)

§114.18 DURATION OF CERTIFICATE

A Certificate shall constitute a franchise from the city for the operation of taxicabs within the city subject to the provisions of this chapter for one year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually and hearings conducted as herein provided.
(‘67 Code, Ch H, Art II, §5)

§114.19 DETERMINATION OF CONVENIENCE AND NECESSITY

- (A) In determining whether the public convenience and necessity requires the franchising of such taxicab or taxicabs, the City Council shall, among other things, take into consideration the following factors:
- (1) Whether or not the public convenience and necessity requires such proposed or additional taxicab service within the city;
 - (2) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory;
 - (3) The number and condition of equipment;
 - (4) The schedule of proposed rates to be charged;
 - (5) The number of taxicabs now operated and the demand for increased service, if any, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved, and whether or not adequate provision has been made for off-street parking of said taxicabs;
 - (6) The experience of applicant in the taxicab business;
 - (7) Such other relative facts as may be deemed necessary and advisable.
- (B) Before making any decision with respect to the issuance of a Certificate of Convenience and Necessity, the City Council, or a committee thereof, shall make a full and complete investigation of all facts, and may, if it so desires, subpoena witnesses and utilize the services of the Chief of Police or any other officer or employee of the city.
(‘67 Code, Ch H, Art II, §6)

§114.20 HEARINGS; NOTICES

Each application for a Certificate of Convenience and Necessity shall be scheduled for a hearing not later than 20 days after the same is filed, and the applicant shall be notified by the City Clerk by mail to the business address set forth in the application of the date and time of such hearing, such notification to be sent at least ten days before the date set for the hearing. The City Clerk shall also, within the same time, notify all persons, who at that time hold Certificates of Convenience and Necessity for the operation of taxicabs within the city, of the date and time of such hearing and the name of the applicant. In addition, the City Clerk shall cause to be published at least once in a newspaper of general circulation at least ten days before the hearing, a notice setting forth the name of the applicant and the date and time of the hearing. The cost of the publication shall be paid for by the applicant.
(‘67 Code, Ch H, Art II, §7)

§114.21 BURDEN OF PROOF

The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicab or taxicabs specified in this application, and all other facts required for the granting of a certificate.
(‘67 Code, Ch H, Art II, §8)

§114.22 FAILURE TO BEGIN OPERATIONS

If a certificate is granted to an applicant, and the applicant shall fail, in accordance with the provisions of the certificates, to begin operations within 60 days after the date of said certificate, then the certificate shall become null and void.
(‘67 Code, Ch H, Art II, §9)

§114.23 TRANSFER

A certificate is not transferable without the consent of the City Council. Applications for a permit to transfer shall be filed in the same manner as an application for a Certificate of Convenience and Necessity. The proceedings upon such application for a transfer shall be the same as those described for the issuance of a certificate, except that the question of public convenience and necessity need not be proved.
(‘67 Code, Ch H, Art II, §10)

§114.24 REVOCATION OF CERTIFICATE

- (A) The City Council may at any time after a public hearing revoke any certificate issued by authority of this chapter for any one or more of the following causes:
- (1) Failure to operate the taxicabs specified in the certificate in such manner as to serve the public adequately and efficiently;
 - (2) Failure to maintain motor equipment in good repair;
 - (3) Failure to carry liability insurance or bond as required by ordinance;
 - (4) Failure to pay the city taxes or license fees of \$25 imposed upon the taxicabs;
 - (5) Repeated and persistent violation by the taxicab drivers of traffic and safety ordinances, or state laws relating to alcoholic beverages or prostitution;
 - (6) Failure to report accidents;
 - (7) Willful failure to comply with any provision of this chapter or other ordinances or state laws relating to the operation of taxicabs.
- (B) No certificate shall be revoked until the owner has had at least five days notice by personal service or registered mail of the charges against him, and of the time and

place of the hearing. If, after the hearing, it is found that the owner is guilty of one or more of the offenses listed herein, the Council shall have the power to revoke the certificate or to condition a revocation upon compliance of its order within any time fixed by it.

('67 Code, Ch H, Art II, §11)

§114.25 SUBSTITUTION OF VEHICLES

The person to who a certificate has been issued may, by appropriate endorsement thereon by the City Clerk, substitute another vehicle or other vehicles for the vehicle or vehicles for which certificate was granted. In such instance, the liability insurance or bonds shall also be transferred to such substitute vehicle or vehicles.

('67 Code, Ch H, Art II, §12)