**CHAPTER 42: VEHICLES FOR HIRE**

**CHAPTER** **42:** **VEHICLES FOR HIRE**

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***ARTICLE I. IN GENERAL***

**42‑1 INTENT AND PURPOSE.**

(A) The provisions of this chapter are adopted in the exercise of the police powers granted to the town by its Charter and by the general laws of the state.

(B) This chapter is not intended to grant or offer any franchise, but the intent is to regulate vehicles for hire and taxicabs within the town.

(1970 Code,  11‑617; 2001 Code,  42‑1)

**42‑2 DEFINITIONS.**

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

***TAXICAB*** and ***FOR‑HIRE VEHICLE.*** Any public motor‑driven vehicle used for the transportation of passengers for compensation, except buses operated under franchises and over fixed routes and between fixed termini and inter‑urban buses operated under franchises granted by the State Utility Commission.

(1970 Code,  11‑62(a); 2001 Code,  42‑2)

***Cross-reference:***

*Definitions generally, see  1‑2*

**42‑3 PENALTY.**

Any violation of this chapter subjects the offender to a civil penalty of $1,000, as provided in  1‑6.

(2001 Code,  42‑3)

**42‑442‑30 RESERVED.**

***ARTICLE II. FOR HIRE VEHICLES***

***Statutory reference:***

*Regulation of taxis, see G.S.  160A‑304*

**DIVISION 1. GENERALLY**

**42‑31 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.

***OWNER.*** Includes the purchaser of any vehicle under reserved title contract or equivalent owner of any motor vehicle.

(1970 Code,  11‑62(c); 2001 Code,  42‑31)

***Cross-reference:***

*Definitions generally, see  1‑2*

**42‑32 REGULATIONS.**

(A) Every taxicab and for‑hire vehicle operated within the town shall meet all requirements of state law and the ordinances of the town and must be kept in good, clean, neat and safe condition and appearance; and it shall be the duty of the Chief of Police to make inspection of the vehicles and report his or her findings to the Board. The vehicles shall be sedans with at least four doors and with a passenger capacity of not less than five persons.

(B) Taxicabs and for‑hire vehicles shall not cruise seeking employment.

(C) No taxicab shall operate on the streets of the town unless it shall have a depot or terminal on private property, and no taxicab shall be permitted to park on or stop on the streets of the town for the purpose of soliciting passengers or patronage. Nothing contained in this article shall prohibit a taxicab driver from parking on the side of the street for the purpose of waiting for passengers who have already engaged a taxi service.

(D) No person shall solicit patronage for any taxicab or for‑hire vehicle, by word, signal or otherwise, on any public street, other than at the stands or garages of the vehicle.

(E) Not more than one passenger shall be transported at one time without the consent of the person first engaging the vehicle and non-paying passengers shall not be transported with paying passengers.

(F) The drivers in charge of taxicabs shall, upon request, deliver the person paying the fare, a receipt in legible type or writing showing the date and amount of fare paid, the date of payment, the names of the owners and drivers and the town license number. The form may be prescribed by the Town Board.

(G) Each owner and driver shall, upon the request of the Chief of Police and/or the Sheriffs Department, furnish them with any information they may require as to persons transported in a taxicab or for‑hire vehicle.

(H) Drivers may refuse to carry passengers unless the legal fare is prepaid, but no driver shall otherwise refuse to carry an orderly person anywhere within the town unless previously engaged or unable to do so.

(I) It shall be unlawful for a person to engage or ride in a taxicab or for‑hire vehicle without paying the legal fare or to make improper or misleading or unauthorized calls.

(1970 Code,  11‑611; 2001 Code,  42‑32)

**42‑33 OPERATION.**

The operation of taxicabs and for‑hire vehicles upon the streets in the town shall be subject to the conditions, regulations and restrictions set forth in this article; and it shall be unlawful to operate or cause to be operated within the town any taxicab or for‑hire vehicle unless a certificate of public convenience and necessity has been issued to the owner and unless the conditions, regulations and restrictions set forth and prescribed in this article have been complied with.

(1970 Code,  11‑61; 2001 Code,  42‑33)

**42‑34 INSURANCE.**

No taxicab or for‑hire vehicle shall be operated on the streets of the town unless the owner and driver are protected by liability insurance issued by a company authorized to do business in the state, which policy shall be in the sum as set from time to time and contained in the annual budget ordinance for injury to one person. The policy or policies shall carry a rider requiring ten days notice to the town prior to cancellation, and satisfactory evidence shall be filed with the Board showing that the insurance is in effect.

(1970 Code,  11‑612; 2001 Code,  42‑34)

**42‑35 NUMBER AUTHORIZED.**

All operators of taxicabs or for‑hire vehicles operating on the effective date from which this article derives who can qualify with the requirements of this article shall be entitled to a certificate for each vehicle the operator may then be operating. No additional certificates shall be issued unless the Town Board determines that the public convenience and necessity require additional service.

(1970 Code,  11‑613; 2001 Code,  42‑35)

**42‑36 DRIVERS CERTIFICATE.**

(A) Every operator or driver of a taxicab or for‑hire vehicle which engages in transportation of the public for compensation over the streets of the town shall, before operating or driving the vehicle, first obtain from the town an operators permit, which shall certify that the person is morally and physically a fit person to operate or drive the vehicle. Each operator or driver shall keep in the vehicle which he or she operates this certificate, displayed in plain view of the passengers. Any person desiring a drivers certificate may apply to the Board, upon an application, on a form to be furnished by the Board, which shall contain the following information:

(1) Date of application;

(2) Name of applicant;

(3) Ethnicity;

(4) Address;

(5) Citizenship;

(6) Height;

(7) Weight;

(8) Age;

(9) State chauffeurs permit number and date of issuance;

(10) Number of years lived in the county:

(11) Present occupation;

(12) Previous place of residence;

(13) Driving experience;

(14) Record of accidents or collisions for the past three years if any;

(15) Court records;

(16) Certificate of health from reputable physician certifying the applicant to be free of any infectious, contagious or communicable disease that would, because of the applicants responsibilities in operating a vehicle for hire, pose a substantial risk to the health or safety of the public;

(17) Names and addresses of two reputable references; and

(18) Other information that the Board may require.

(B) No drivers certificate shall be granted any person who suffers from any venereal or contagious disease, or who is unable to read, write or understand the English language or who has been convicted of a crime involving moral turpitude. Each application must be accompanied by two good photographs of the applicant of a size as may be designated by the Board, a certificate of the applicants good health from a qualified physician and a fee as set from time to time and contained in the annual budget ordinance, which shall not be refunded. Each holder of a drivers certificate shall furnish the Board with a renewal of his or her health certificate at the expiration of each successive six months period following the issuance of the drivers certificate. Employers shall be responsible to see that this requirement is met.

(1970 Code,  11‑616; 2001 Code,  42‑36)

**42‑3742‑60 RESERVED.**

**DIVISION 2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

**42‑61 REQUIRED.**

No license for the operation of public vehicles shall be issued nor shall any public vehicle be operated on the streets of the town until the Town Board has issued a certificate that public convenience and necessity require the operation of the vehicle.

(1970 Code,  11‑63; 2001 Code,  42‑61)

**42‑62 APPLICATION.**

Application for certificate of public convenience and necessity shall be made to the Board of Commissioners and shall set forth:

(A) The name and address of the applicant;

(B) The trade name under which the applicant does or proposes to do business;

(C) Where the proposed stands and garages are to be located;

(D) The number of vehicles the applicant desires to operate;

(E) The class, seating capacity, design, color scheme of each vehicle and the lettering and marks to be used;

(F) Whether the applicant has been convicted of the violation of any state or municipal law;

(G) An agreement or stipulation that the applicant will operate and continue to operate the vehicles in question during the bona fide time that the certificate shall remain in effect; and

(H) Any other information required by the Board of Commissioners.

(1970 Code,  11‑64; 2001 Code,  42‑62)

**42‑63 ISSUANCE OR REFUSAL.**

If the Board of Commissioners finds that the public convenience and necessity requires the operation of the vehicles or a greater or lesser number of vehicles than that for which the certificate has been applied and the applicant is a person of suitable character and qualifications to conduct the business, it shall notify the applicant of its findings. If it finds that the public convenience and necessity does not require the operation of any vehicle, or that the applicant is not a person of suitable character and qualifications to conduct the business, it shall forthwith notify the applicant of its findings; and no certificate of public convenience and necessity shall be issued to the applicant. If the Board shall find that the public convenience and necessity requires the operation of the vehicle and that the applicant is a person of suitable character and qualifications to conduct the business, the applicant shall, within 30 days after receipt of the notice of the findings, furnish the Board with information as to the particular vehicle for which the certificate is granted, the information to include the make, the motive power of the vehicle, the name and address of the person from whom the vehicle was purchased and any other information required by the Board. If the Board finds that the applicant is the owner of the vehicle and that the vehicle is fit and safe for the transportation of passengers and conforms to the requirements of this article and to other requirements as the Board may make under authority conferred on it by this article, it may issue the applicant the certificate provided for in this division, which certificate shall not be transferable unless the transfer shall first have been approved by the Board; but the person to whom the certificate is issued may, by an appropriate endorsement made by the Board, substitute another vehicle or vehicles in the place of that for which the certificate is granted; however, should the Board find that public convenience and necessity requires additional taxicabs or for‑hire vehicles, preference may be given to operators operating an existing service, should they be in position to furnish it.

(1970 Code,  11‑66; 2001 Code,  42‑63)

**42‑64 ISSUANCE.**

Upon presentation of a certificate within 30 days of its date and satisfactory evidence that all licenses have been paid to the Town Clerk and that the required insurance policy has been duly filed, the Clerk shall issue to the applicant a license for each and every vehicle specified in the certificates; however, any certificate issued under this division shall be effective until canceled, and no additional certificate shall be required for the purpose of obtaining licenses so long as the original certificate shall remain in effect.

(1970 Code,  11‑69; 2001 Code,  42‑64)

**42‑65 DURATION AND TRANSFER.**

Certificates under this division shall be issued until June 30 following the date of issue and shall be good annually thereafter until June 30 of each year unless revoked by the Board. The certificates shall be transferable with approval of the Board.

(1970 Code,  11‑610; 2001 Code,  42‑65)

**42‑66 REVOCATION OF CERTIFICATES.**

(A) Any certificate issued under the provisions of this article may be revoked or suspended by the Board of Commissioners of the town for any of the following causes in addition to those prescribed in G.S.  160A‑304(a):

(1) Failure to operate the taxicabs or for‑hire vehicles specified in the certificate;

(2) Failure to maintain taxicabs or for‑hire vehicles in good order and repair;

(3) Failure to pay the personal property tax or other taxes due the town or the state on the vehicles;

(4) Failure to maintain insurance as required under this article;

(5) Failure to report any accident as required by law;

(6) Failure of the drivers to stay neat in appearance;

(7) Failure of the drivers to be courteous at all times;

(8) Failure of drivers of taxicabs or for‑hire vehicles to have a chauffeurs license and picture exhibited in cab. Duplicate information must be on hand at the police station before any taxicab driver will be allowed to operate on the streets of the town;

(9) Repeated and persistent violations of traffic and safety ordinances by drivers;

(10) Willful or continued failure to comply with the provisions of this article or any other law regulating the operation of taxicabs and for‑hire vehicles within the town;

(11) Willful neglect to render service; and

(12) Failure to operate under a franchise for six consecutive months.

(B) If a taxicab driver is convicted a third time of a state, federal or town offense, no cab owner can knowingly hire the driver under the penalty of having his or her license revoked.

(C) Cab drivers may not purchase alcoholic beverages of any description for their passengers, or tolerate any disorderly conduct in their cabs; nor shall any cab driver transport or have in his or her possession in a vehicle operated for hire any intoxicating beverage of any kind.

(D) The Board of Commissioners is authorized, from time to time, to increase or decrease the certificates as the public convenience and necessity may require; and in the event of a decrease, those certificates granted last shall be the first revoked.

(1970 Code,  11‑614; 2001 Code,  42‑66)

**42‑67 FEE.**

For each certificate granted under this division, there shall be paid to the town a certificate fee the sum of which is to be set by the Board of Commissioners.

(1970 Code,  11‑615; 2001 Code,  42‑67)