

CHAPTER 18

TAXICABS

For state law as to authority of city to license and regulate vehicles for hire, see G. S., § 160A-304. As to authority of city to regulate drivers and operators of taxicabs, see G.S., § 20-37.

As to motor vehicles and traffic generally, see ch. 13 of this code. As to paying fares generally, see § 14-14.

Article I. In General.

- § 18-1. Definitions.
- § 18-2. Violations; penalties.
- § 18-3. Inspector of taxicabs--Office created; appointment.
- § 18-4. Same--Powers and duties generally.
- § 18-5. Registration and licensing of vehicle; liability insurance.

Article II. Certificate of Public Convenience and Necessity.

- § 18-6. Required.
- § 18-7. Applications--Filing; information required.
- § 18-8. Same--Consideration.
- § 18-9. Issuance.
- § 18-10. Expiration.
- § 18-11. Renewal.
- § 18-12. Memorandum certificates.
- § 18-13. Transfer.
- § 18-14. Change of vehicle ownership.
- § 18-15. Substitution of vehicles.
- § 18-16. Suspension; revocation.
- § 18-17. Surrender of certificate.

Article III. Rates of Fare.

- § 18-18. Schedules.
- § 18-19. Settlement of disputes.
- § 18-20. Display of rate cards.
- § 18-21. Payment required; receipts.

Article IV. Specifications and Equipment.

- § 18-22. Compliance with article.
- § 18-23. Generally.
- § 18-24. Color scheme.
- § 18-25. Inspection and maintenance of equipment.

§ 18-26. Depot or terminal required.

Article V. Records.

§ 18-27. Driver's manifest.

§ 18-28. Accidents.

Article VI. Drivers.

§ 18-29. Permits--Required.

§ 18-30. Same--Qualifications of applicant.

§ 18-31. Same--Applications generally.

§ 18-32. Same--Issuance; contents; renewal.

§ 18-33. Same--Grounds for failure to issue or revocation.

§ 18-34. Conduct.

Article I. In General.

Sec. 18-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context requires otherwise:

Certificate. Certificate of public convenience and necessity issued by the city council licensing the operation of a taxicab or taxicabs.

Council. The city council of the City of Mount Holly.

Cruising. The movement of unoccupied taxicabs over the public streets in search of or soliciting prospective passengers for hire.

Driver. Any person who drives a taxicab.

Inspector. Inspector of taxicabs for the city.

Memorandum certificate. The card issued by the inspector to a taxicab owner for display within a taxicab indicating that such taxicab is included within a certificate of public convenience and necessity.

Owner. Any person to whom a certificate of public convenience and necessity for the operation of a taxicab or taxicabs has been issued.

Person. Any individual, partnership, association, corporation, or other organization owning or operating or proposing to operate any taxicab or taxicabs within the city.

Rate card. The card issued by the inspector to a taxicab owner for display within each taxicab for which a certificate has been issued describing the schedule of fares charged by such taxicab.

Street. Any street, alley, avenue or highway within the city limits and within a radius of five miles beyond such city limits as the same may now exist or may be hereafter extended.

Taxicabs. The term taxicab shall be any motor vehicle seating nine or fewer passengers operated upon any street or highway, on call or demand, accepting or soliciting passengers indiscriminately for hire between such points along streets and highways as may be directed by passengers so being transported. (11-10-75, § 17-1.)

Sec. 18-2. Violations; penalties.

It shall be unlawful for any person to violate any of the provisions of this chapter. In the event the person violating any provision of this chapter is a corporation, the officers, agents or employees thereof who shall violate or procure, aid or abet any violation of any provisions of this chapter or permit the operation of any taxicab contrary to the requirements thereof shall be subject to the same penalties as if they, themselves, were personally operating such taxicab at the time such violations were committed.

Upon being convicted of a violation of any of the provisions of this chapter, the council may revoke or suspend any certificate or certificates held by such person and the inspector may suspend or revoke the driver's permit of any driver convicted of violation of any of the provisions of this chapter. (11-10-75, § 17-2.)

Sec. 18-3. Inspector of taxicabs--Office created; appointment.

There is hereby created the office of inspector of taxicabs. The inspector shall be appointed by the city manager, subject to the approval of the city council and may be appointed from any of the police personnel or any other employees or officers of the city. (11-10-75, § 17-3.)

Sec. 18-4. Same--Powers and duties generally.

- (a) The inspector of taxicabs is charged with the duties required of him under this chapter and, in general, shall be responsible for the inspection of taxicabs and shall make all investigations relative to licensing of drivers and issue drivers permits upon a finding that the applicant has met the requirements of this chapter.
- (b) The inspector shall advise the city manager with respect to matters covered or incidentally involved in the operation or administration of this chapter. He shall make recommendations with respect to adequacy of taxicab service and whether or not there are too many or too few taxicabs serving the

public's convenience and necessity and shall make such other reports and furnish such other information to the mayor and council as may be requested from time to time.

- (c) The inspector shall have the right at any time, after displaying proper identification, to enter into or upon any taxicab being operated under the provisions of this chapter for the purpose of reinspecting or ascertaining whether or not any of the provisions of this Code or other ordinances of this city or laws of the state are being violated. (11-10-75, § 17-4.)

Sec. 18-5. Registration and licensing of vehicle; liability insurance.

No person shall operate a motor vehicle as a taxicab until such vehicle has been registered in accordance with the requirements of the state and all proper licenses have been obtained therefor. Liability insurance shall be maintained on each taxicab in an amount not less than the minimum required by state law. (11-10-75, § 17-5.)

Article II. Certificate of Public Convenience and Necessity.

Sec. 18-6. Required.

No owner shall operate any taxicab in the city without first having obtained a certificate of public convenience and necessity from the city council, as set forth in this chapter. (11-10-75, § 17-6.)

Sec. 18-7. Applications--Filing; information required.

All persons or owners applying to the council for a certificate for the operation of one or more taxicabs shall file with the council a sworn application therefor, in triplicate, on forms provided by the council stating as follows:

- (a) The name and address of the owner and, in the event that the owner be a corporation, a certified copy of the articles of incorporation together with the names and addresses of all officers of the corporation;
- (b) The number of vehicles for which a certificate of public convenience and necessity is desired;
- (c) All unpaid judgments of record against the owner, including all judgment docket numbers;
- (d) The make, type, year, manufacturer, serial number, engine number and passenger capacity of each taxicab for which application for a certificate is made;

- (e) Court record of applicant, including all traffic convictions and all convictions related to the consumption, sale or use of alcohol or controlled substances;
- (f) All such other information as city council may, in its discretion, require. (11-10-75, § 17-7.)

Sec. 18-8. Same--Consideration.

No certificate shall be granted until the council shall, after hearing, declare by resolution that public convenience and necessity requires the proposed taxicab service.

In determining whether public convenience and necessity requires the operation of a taxicab or taxicabs for which the application for certificate or certificates is made, the council shall consider and investigate whether the demand of the public requires additional taxicab service; the financial responsibility and experience of applicant; the ability of the applicant to earn a fair return on the capital invested; the number, kind and type of equipment; the effect which such additional taxicab service may have upon traffic congestion and parking; whether the additional taxicab service will result in greater hazard to the public; and such other relevant facts as the council may deem advisable or necessary. (11-10-75, § 178.)

Sec. 18-9. Issuance.

Having found and declared that public convenience and necessity requires the proposed taxicab service for which application for certificate has been made, the council may grant to the applicant a certificate of public convenience and necessity for such taxicab or taxicabs, subject to such conditions as the council may deem proper; provided, that:

- (a) Applicant shall have complied with the provisions of this chapter;
- (b) The vehicle or vehicles described in the application for certificate shall have been found to be in strict compliance with the provisions of this chapter;
- (c) The applicant shall have been found to be of satisfactory character. (11-10-75, § 17-9.)

Sec. 18-10. Expiration.

All certificates shall expire on June 30 of the fiscal year during which the certificate is granted. (11-10-75, § 171o.)

Sec. 18-11. Renewal.

Upon application prior to the termination of each fiscal year, the council may renew any certificate or cause a new certificate to be issued for the ensuing year in the absence of any contrary evidence and finding of the council regarding the continued necessity for such taxicab service. (11-10-75, § 1711.)

Sec. 18-12. Memorandum certificates.

For each taxicab for which a certificate has been granted a memorandum certificate shall be issued in such form as the inspector may, from time to time, prescribe, such memorandum certificate to be displayed at all times in a conspicuous place in the taxicab for which it is issued, as herein provided. (Code 11-10-75, § 17-12.)

Sec. 18-13. Transfer.

No certificate of necessity issued hereunder may be assigned, transferred, leased or used by persons other than the owner to whom originally issued, and no memorandum certificate shall be used in any taxicab except the one for which it is issued. (11-10-75, § 17-13.)

Sec. 18-14. Change of vehicle ownership.

Change of ownership of or title to any taxicab shall automatically revoke any certificate previously granted for the operation of such taxicab. The purchaser of any such taxicab may not operate it as a taxicab until and unless he has applied for and been granted a certificate of convenience and necessity as provided in this chapter. For the purposes of this chapter, change of ownership is deemed as taking place, in addition to the other methods usually employed, if the owner of any taxicab leases the same to any person under any lease or arrangement whereby such person shall have the right, upon payment of an amount of money or other consideration, to acquire title at any future date to such taxicab. (11-10-75, 0 17-14.)

Sec. 18-15. Substitution of vehicles.

Any owner desiring to remove from service a taxicab and substitute for it a different one shall make application to the city council for such replacement. The council shall allow the substitution if it appears that the taxicab to be replaced was not out of service for more that sixty days next preceding the application for substitution, and provided that the proposed substitute taxicab shall be in compliance with the provisions of this chapter. (11-10-75, § 17-15.)

Sec. 18-16. Suspension; revocation.

Certificates may be suspended or revoked by the council for such periods of time as the council deems proper upon any of the following findings:

- (a) That the owner is operating any taxicab in such a manner as to be detrimental to the public safety and welfare;
- (b) That the owner is operating any taxicab at a rate of fare in excess or less than the rates herein prescribed and approved by the city council and shown on the current rate card;
- (c) That the owner has failed to register properly, in the correct and true owner's name, the taxicab covered by the certificate with the state;
- (d) That the owner has willfully failed to comply with any provision of this Code or other ordinance of the city or state law regulating the operation of taxicabs.

No certificate shall be revoked or suspended unless and until forty-eight hours notice of hearing shall have been given to the holder of such certificate and such hearing is duly had therein. If, however, the inspector shall, upon good cause, believe that the safety of the city requires the immediate suspension of any certificate, the inspector shall have the authority to suspend the certificate prior to hearing for a period not to exceed seventy-two hours. (11-10-75, § 17-16.)

Sec. 18-17. Surrender of certificate.

Any certificate which shall have been suspended or revoked by the council shall immediately be surrendered to the inspector, together with corresponding memorandum certificate and rate cards, and the operation of any taxicab covered by such certificate shall cease.

Any owner who shall have any taxicab out of service for a period of sixty consecutive days without having made application for substitution under the provisions of section 18-15 shall immediately surrender the memorandum certificate granted for the operation of such taxicab to the inspector, and such owner shall not secure any additional memorandum certificate for the operation of any other taxicab without having first made application therefor as provided by this chapter. (11-10-75, § 17-17.)

Article III. Rates of Fare.

Sec. 18-18. Schedules.

The rates of fare to be charged for taxicab service by any person owning, operating or controlling any motor vehicle operated as a taxicab upon any street shall not be more than nor less than the rates established by resolution of the city council from time to time.

The schedule of rates of fare for taxicab service, when set by resolution of the city council, shall be maintained on file in the office of the city manager. (11-10-75, § 17-18.)

Sec. 18-19. Settlement of disputes.

All disputes as to fares shall be determined by the inspector at the police station within twenty-four hours, and both passenger and driver shall comply with such determination. (11-10-75, § 17-19.)

Sec. 18-20. Display of rate cards.

Rate cards shall be displayed in a prominent location within each taxicab, and such rate card shall state the prevailing rate, if such rate shall have been set by the council. If the council has not set a rate, then the card shall contain the rate established by the owner. (11-10-75, § 17-20.)

Sec. 18-21. Payment required; receipt.

- (a) It shall be unlawful for any passenger to refuse to pay lawful fares as may be charged in accordance herewith.
- (b) The driver shall furnish to any passenger, upon his request, a numbered receipt showing the owner's name, date, certificate number and the amount of the fare charged. Refusal of a driver to give such a receipt shall be a defense to any charge of violation of subsection (a) of this section. (11-1075, § 17-21.)

Article IV. Specifications and Equipment.

Sec. 18-22. Compliance with article.

No vehicle shall be entitled to a certificate unless it conforms with all provisions of this article. (11-10-75, § 1722.)

Editor's note.--The provisions of this section became effective July 1, 1976.

Sec. 18-23. Generally.

- (a) All taxicabs shall have at least four doors, two leading into the passengers I compartment and two leading into the driver's compartment, so constructed that they may be opened from either the inside or the outside. Each door shall be constructed with a double or safety lock.
- (b) All taxicabs will be equipped with removable floormats of rubber or other nonabsorbent material.

- (c) All taxicabs shall be equipped in accordance with state and federal regulations governing the equipment required for the operation of motor vehicles.
- (d) Every owner of a taxicab shall clean the exterior as needed and clean and disinfect the interior of each taxicab at least once in every twenty-four hour period. (11-10-75, § 1723.)

Editor's note.--The provisions of this section became effective July 1, 1976.

Sec. 18-24. Color scheme.

- (a) The name of the taxicab company, the memorandum certificate number, the telephone number and the city's name shall be painted with permanent paint on both sides of each taxicab with letters and numbers at least four inches in height. The taxicab company's name shall be painted on the rear of each taxicab in letters at least four inches in height. Colors of paint to be used for the lettering and numbering is to be in sharp contrast with the color of the surface paint to which it is applied so as to be visible at a reasonable distance. (10-8-79)
- (b) No lettering or numbering shall be acceptable which has been painted upon a sheet of metal or other material which, in turn, can be removed or detached from the vehicle. (11-10-75, § 17-24, 10-8-79.)

Editor's note.--The provisions of this section became effective July 1, 1976. Paragraph (a) was deleted on 10-8-79, and (b) and (c) became the new (a) and (b).

Sec. 18-25. Inspection and maintenance of equipment.

- (a) Every owner shall cause his taxicabs to be inspected periodically by delivering them at a time and place to be specified by the inspector. Failure of any owner to stand his taxicabs for inspection, as requested by the inspector, shall be cause for the suspension or revocation of the certificate issued for such taxicabs.
- (b) The inspector or his agent shall have the right at any time, after displaying proper identification, to enter into or upon any taxicab for the purpose of ascertaining whether or not any of the provisions of this article are being violated.
- (c) Any taxicab which is found, after such inspection, to be unsafe or in any way unsuitable for taxicab service may be immediately ordered out of service by the inspector; and, before placing such taxicab in service again, the owner shall deliver it to the inspector at a designated point for reinspection. Any

owner who has a taxicab which is ordered out of service and which does not pass reinspection within sixty days shall immediately surrender the memorandum certificate covering that taxicab and the owner will have no right of reinstatement. (11-10-75, § 17-75.)

Sec. 18-26. Depot or terminal required.

No taxicab shall operate on the streets of the city unless the same shall have a depot or terminal on private property, and no taxicab shall be permitted to use the streets of the city except for the purpose of transporting, loading and unloading of passengers and their baggage and for the purpose of returning to such depot or terminal by the most direct route. (11-10-75, § 17-25.1)

Article V. Records.

Sec. 18-27. Driver's manifest.

- (a) Every driver shall maintain a daily manifest upon which is recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare; and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for such records shall be furnished to the driver by the owner, and shall be of a character approved by the inspector.
- (b) Every owner shall retain and preserve all driver's manifests in a safe place for at least ninety days, and the same shall be made available, upon demand, for inspection by the inspector, the city police or the city council. (11-10-75, § 17-26.)

Sec. 18-28. Accidents.

All accidents from or in connection with the operation of taxicabs which result in death or personal injury or in damage to any property shall be reported within twenty-four hours from the time of occurrence to the inspector in writing on forms approved by the inspector. This report shall be made on all accidents, whether or not they occur in the city or its one-mile perimeter or outside, and the taxicab involved in the accident shall be subject to immediate inspection. (11-10-75, 17-27.)

Article VI. Drivers.Sec. 18-29. Permits--Required.

No person shall drive a taxicab within the city limits or within its one-mile perimeter without first having obtained a taxicab driver's permit from the inspector. (11-10-75, § 1729.)

Sec. 18-30. Same--Qualifications of applicant.

Each successful applicant for a driver's permit must meet the following requirements:

- (a) Be at least eighteen years of age;
- (b) Hold a valid North Carolina chauffeur's license;
- (c) Be free of any infirmity of body or mind which renders him unfit for the safe operation of a taxicab and consent to a physical examination at his own expense if required, upon good cause, by the inspector;
- (d) Successfully complete an examination given by the inspector as to applicant's knowledge of the provisions of this chapter and the state laws regulating taxicabs and their operation;
- (e) Be reasonably clean and neat in appearance. (11-10-75, § 17-30.)

Sec. 18-31. Same--Applications generally.

Each applicant for a driver's permit shall make application on forms to be provided by the inspector and shall fully complete each item and shall subscribe his name thereto in the presence of a notary public, attesting to the truthfulness of his answers. The application must be accompanied by three recent photographs of the applicant of such size as the inspector may designate. (11-10-75, § 17-31.)

Sec. 18-32. Same--Issuance; contents; renewal.

- (a) Upon a finding by the inspector that the applicant has satisfied the requirements of this article, he shall forthwith issue to applicant a permit upon payment by applicant of the permit fee for the same, which shall be set from time to time by the council.
- (b) The driver's permit shall specify the owner for whom such driver shall drive, and no driver shall operate a cab for any other owner without securing a new permit from the inspector designating such new owner.

- (c) An inspector may renew a taxicab driver's permit from year to year by an appropriate endorsement thereon or by the issuance of a new permit. A driver applying for a renewal of his permit shall make application on the form furnished by the inspector and shall pay the renewal fee as set from time to time by the city council. (11-10-75, § 17-32.)

Sec. 18-33. Same--Grounds for failure to issue or revocation.

The inspector may revoke or fail to issue or renew a permit to any driver upon a finding by the inspector of any of the following:

- (a) That the driver or applicant has been convicted within the past ten years of any felony or of any other crime involving the use, sale or possession of intoxicating liquors or of any of the controlled substances as set forth in the North Carolina Controlled Substances Act.
- (b) That the driver or applicant has made a false statement or statements in his application for a driver's permit.
- (c) That the driver has had his chauffeur's license revoked or suspended or that the driver has been convicted of multiple violations of traffic laws such as to endanger the welfare and safety of citizens of this city.
- (d) That the driver or applicant is physically or mentally incapable of safely operating a taxicab or is an habitual user of intoxicating liquors or narcotic drugs.
- (e) That the driver or applicant has violated any provisions of this article or of any other ordinance of the city or state law dealing with the public safety or public morals.

The inspector shall deliver to the driver or applicant, in writing, the specific grounds for his refusal to issue or renew permit. Any applicant or driver aggrieved by the inspector's decision may appeal the decision to the city council, where he shall be given a hearing to determine the reasonableness and fairness of the inspector's decision. (11-10-751, § 17-33.)

Sec. 18-34. Conduct.

No driver of a taxicab shall:

- (a) Permit or cause any person of the opposite sex other than the driver to ride in the front seat of any taxicab when the rear seat thereof is vacant; and, at any time, allow his taxicab to be overloaded in such a way as to allow the passengers to obstruct his safe operation of the

vehicle.

- (b) Fail to deliver any lost article belonging to a passenger to the owner at the conclusion of the driver's tour of duty. A written report of the finding and deposit of such article shall be made by the owner within twenty-four hours to the inspector.
- (c) Solicit passengers by any sign or in any manner annoy any person or obstruct the movement of any person or follow any person for the purpose of soliciting patronage.
- (d) Accept additional passengers when the taxicab is already occupied by a passenger unless the original passenger consents thereto. If a child under sixteen years of age is the original passenger, no other passengers shall be permitted in such cab except other children or his parent or guardian.
- (e) Refuse or neglect to convey any orderly person upon request unless previously engaged or unable or forbidden by the provisions of this article to do so. (11-10-75, § 17-34.)