

CHAPTER 113: TAXICABS

Section

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§ 113.01 DEFINITIONS.

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

TAXICAB. Any motor vehicle seating nine or fewer passengers, operated upon any street or highway or call 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 motor vehicle carriers as defined in G.S. 62-3.

§ 113.02 UNLAWFUL TO OPERATE WITHOUT CERTIFICATE.

It shall be unlawful for any person to operate a taxicab upon and over the streets of the town without first having applied for and secured from the Board a certificate of convenience and necessity as hereinafter set forth.

§ 113.03 APPLICATION REQUIRED.

Every person desiring to operate a taxicab upon and over the streets of the town shall file on forms supplied by the Town Clerk an application for certificate of convenience and necessity.

§ 113.04 BOARD ISSUES CERTIFICATES.

The Board shall have power and it will be its duty to order certain certificates issued or refuse to issue certain certificates or to issue certificates for partial exercise of the rights granted only such certificate on such terms and conditions as in its judgment the public convenience and necessity may require.

§ 113.05 TERM; RENEWAL.

A certificate of convenience and necessity issued under the provisions of this chapter shall constitute a franchise from the town for the operation of taxicabs within the town subject to the provisions of this chapter for one year, unless a shorter period of time is specified in the certificate. Application for renewal shall be filed annually and hearings conducted as provided by this chapter.

§ 113.06 DETERMINATION OF CONVENIENCE AND NECESSITY.

- (A) In determining whether the public convenience and necessity require the franchising of such taxicab or taxicabs, the Board shall, among other things, take into consideration the following factors:
- (1) Whether or not the public convenience and necessity require such proposed or additional taxicab service within the town;
 - (2) The financial responsibility for 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, if required by the Board 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 Board shall make a full and complete investigation of all facts, if it so desires, subpoena witnesses, and utilize the services of the Chief of Police or any other officer or employee of the town.

§ 113.07 HEARING, NOTICES.

Each application for a certificate of convenience and necessity shall be scheduled for a hearing not later than 30 days after the same is filed, and the applicant shall be notified by the Town 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 10 days before the date set for the hearing.

§ 113.08 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.

§ 113.09 REVOCATION OF CERTIFICATE.

- (A) The Board 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 taxicab 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 law;
 - (4) Failure to pay the town taxes or license fees imposed upon such taxicabs;
 - (5) Repeated and persistent violation by the taxicab drivers of traffic and safety regulations and ordinances or state laws or the provisions of this code relating to alcoholic beverages, prostitution, or gambling;
 - (6) Failure to comply with any provision of this code or other ordinances or state laws relating to the operation of taxicabs;
 - (7) Failure to maintain off-street parking facilities;
 - (8) Failure to abide by and charge the fares scheduled in this chapter;
 - (9) Failure to operate one or more taxicabs for a period of 30 days;
 - (10) Failure to report accidents.

- (B) No certificate of convenience and necessity 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 Board shall have the power to revoke the certificate or to condition the revocation upon compliance of its order within any time fixed by it.

§ 113.10 LIABILITY INSURANCE REQUIRED.

Each holder of a certificate of convenience and necessity under this chapter shall have in full force and effect on each vehicle being operated as a taxicab upon and over the streets of the town sufficient liability insurance with an insurance company licensed to operate and do business within the state. Compliance with the above insurance provisions is declared to be a condition precedent to the operation of any taxicab upon and over the streets of the town.

§ 113.11 IDENTIFICATION OF VEHICLES.

Every holder of a certificate of convenience and necessity for one or more taxicabs under the provisions of this chapter shall display upon each of such taxicabs identification of his taxicab name, telephone number, and the fact that it operates from the town. This identification shall be either by dome lights or lettering on the exterior of the automobile. Such lettering shall be at least three inches in height. In the event that it is necessary to replace any such taxicab by another automobile, then a permit may be obtained from the town for the temporary replacement of such vehicle.

§ 113.12 RATES AND FARES.

Every holder of a certificate of convenience and necessity under this chapter shall cause to be displayed in each taxicab under his control in a conspicuous position where the same shall be plainly visible to passengers a schedule of rates and fares authorized and required to be charged, in accordance with the schedule established by the Board and available in the Office of the Clerk.

§ 113.13 FEE.

The fee for a certificate of convenience and necessity issued pursuant to the provisions of this chapter for a taxicab shall be as established by the Board and available in the Office of the Clerk.