

CHAPTER 113: VEHICLES FOR HIRE

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General Provisions

§ 113.01 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:

CERTIFICATE. A certificate of public convenience and necessity issued by the Board of Commissioners upon approval of an application from a business or individual owner providing a taxi service. This certificate is required before any vehicle may operate as a taxicab within the Town.

DRIVER. Any person in charge of or operating a taxicab.

DRIVER'S PERMIT. The permit issued by the Town, after examination, authorizing a person to drive a taxicab operating under this chapter.

EXCLUSIVE RIDE SERVICE. A taxi service in which the first passenger or party requests exclusive use of the taxicab.

FOR HIRE. (as defined in G.S. 20-86) Any person engaged in the business of transporting persons or property for compensation.

LIMOUSINE. Any “for hire” chauffeur-driven vehicle with the ability to carry passengers which by prearrangement transports passengers for compensation, and does not accept passengers indiscriminately between points or along highways, provided that such compensation is not computed by means of a meter and that the vehicle carries an appropriate registration plate to distinguish it from taxicabs.

LOG. A daily record prepared by the driver of all trips made by the taxicab which he/she operates showing the place of origin and destination of each trip and the amount of the fare for each trip.

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

RATE CARD. A card issued by the Town to the owner of a taxicab service for display in each taxicab describing the schedule of fares charged.

SHARED-RIDE. A taxi service in which two or more persons, with either different origins or with different destinations, or both, occupy a taxicab at one time.

TAXICAB. Any motorized or non-motorized vehicle, 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. Any taxicab parked or traveling on the streets of the Town shall be subject to the provisions of this article.

TAXIMETER. A mechanical instrument or device, approved by the Town, which is installed in a taxicab for the purpose of computing the fare for a trip upon the basis distance traveled, waiting time, or both, clearly visible for the passenger's information.

§ 113.02 ZONING ADMINISTRATOR TO ENFORCE PROVISIONS.

The Zoning Administrator is given the authority and is instructed to watch and observe the conduct of holders and drivers operating under the provisions of this chapter. Upon discovering a violation of the provisions of this chapter, the Zoning Administrator shall report the same to the Franklinton Police Department who will order or take appropriate action.

§ 113.03 RESPONSIBILITY OF OWNER; COMPLIANCE.

Every owner of a taxicab shall comply with the provisions of this chapter and require that all drivers or chauffeurs driving or proposing to drive any taxicabs for the owner adhere to and at all times conform to the requirements of this chapter. No such owner shall drive or operate any taxicab upon the streets of the city in violation of any of the provisions of this chapter or other ordinances of the Town. Further, no owner shall knowingly permit or cause to be driven or operated upon any of the streets or other public ways of the Town any taxicab belonging to the owner by any driver or chauffeur who has not complied with or who violates any of the provisions of this chapter or other ordinances of the Town relating to the chauffeur or driver.

§ 113.04 FEDERAL STATUTES AND REGULATIONS.

Nothing contained in this chapter shall be construed to relieve or attempt to relieve operators and owners of taxicabs from compliance with any rule, regulation or statute made by the Congress of the United States or promulgated pursuant to authority of any action of the Congress of the United States or other authorized federal agency.

§ 113.05 INFORMATION FILED BY OWNER.

Each owner or operator of a taxicab shall file with the Town his name, business address, home address, and home telephone numbers, a list showing the service numbers and make of all taxicabs owned and operated by him, and the names of all drivers and their license numbers and addresses, and shall within 48 hours after any change in such filed information report such change to the Town.

Regulations

§ 113.11 INSURANCE REQUIREMENT.

The owner of every taxicab and of every other motor vehicle engaged in the business of transporting passengers “for hire” over the public streets of the Town shall furnish and keep in effect for each such taxicab or such other motor vehicle, a policy or policies of insurance as required by G.S. 20-280, as amended. Such policy or policies of insurance (or a duplicate thereof, or a certificate from the agent of the insurance company issuing the policy or policies) shall be filed with the Town as a condition precedent to the operation of any such vehicle over the streets of the Town and the policy or policies of insurance shall, among other things, set forth a description of each and every taxicab operated under the terms of such policy or policies, including the make, model, motor number and serial number of each and every such taxicab.

The license of each car licensed under this section which is not covered by insurance as required in this article shall be immediately revoked.

The owner’s permit of the owner of a taxicab that is not covered by insurance as required by this section shall be immediately suspended by the Zoning Administrator.

Any insurance policy filed in accordance with this section shall provide that the same shall not be canceled without first giving five days notice to the Town.

§ 113.12 GENERAL VEHICLE REQUIREMENTS.

In addition to all other applicable regulations in this article, all taxicabs shall be equipped and maintained in satisfactory condition so as to comply with the state statutes, and the provisions of this Code, and other requirements shall be:

The vehicle must meet the state’s vehicle safety inspection requirements at all times.

(A) The vehicle will have four doors, two leading to the passenger’s compartment and two leading into the driver’s compartment and so constructed that they may be opened from the inside and outside without delay. Passenger vans are excluded from this Section however, passenger vans shall have a minimum of 3 doors, two leading into the drivers compartment and 1 leading to the passengers compartment and so constructed that they may be opened from the inside and outside without delay.

(B) The vehicle will have all openings (windows and doors) in proper working condition.

(C) The vehicle will be equipped with a working heater to heat the interior sufficiently in the winter and an air conditioner sufficient to cool the interior in hot weather.

(D) The vehicle will have all windshields and side and rear glasses clear and free of all cracks and clear of dirt or obstructions to clear view.

(E) The vehicle will have the front and rear bumpers and all attachments of the original manufacturer's design in its proper place and in proper repair.

(F) The vehicle headlights and rear lights shall be in good working condition as installed by the original manufacturer.

(G) The vehicle shall have removable floor mats of rubber or other nonabsorbent and washable material.

(H) The vehicle shall have the exterior and the interior cleaned on a regular basis.

(I) The vehicle will be equipped with all safety devices in proper working order as designed by the original equipment manufacturer and any other items that may be required for the convenience and safety of the passengers as required by the Town, by the state or by applicable laws and regulations of the United States.

(J) The vehicle must be equipped with a seat belt for the driver and each passenger.

(K) The vehicle shall be operated in a sanitary and clean condition. The certificate holder shall keep the body of the taxicab; both interior and exterior, in a safe condition at all times. The vehicle's general appearance shall be kept as close as possible to the manufacturer's original appearance and repair with respect to sheet metal and finish of the vehicle's normal wear and tear.

(L) The vehicle will be equipped with a two-way communication device in order to receive direct communication with the dispatching office. Two-way radio system or cellular phone system is sufficient communication devices.

§ 113.13 INSPECTION OF VEHICLES.

Before a taxicab may be operated under a certificate of convenience and necessity issued under this chapter, the owner thereof shall cause the same to be delivered to and inspected by the Zoning Administrator, who shall examine the same to determine that the cab is mechanically and structurally in good repair and working order and will not be unsafe to operate.

In addition to the inspection required above prior to the initial operation of a taxicab, the Zoning Administrator shall have the right, at any time, after displaying proper identification, to enter into or upon any taxicab for the purpose of inspection and of ascertaining whether or not the taxicab is unsafe or in any way unsuitable for taxicab service.

Any taxicab that is wrecked damaged or deemed unsafe for carrying passengers shall not be allowed to carry passengers until the certificate holder makes the necessary repairs and alterations to ensure that public safety is not jeopardized. The certificate holder will be required to notify the Town of such situations and to have the affected taxicab inspected by the Town before returning the taxicab to service.

§ 113.14 MAINTENANCE RECORD.

Every owner is required to institute a system of regular monthly inspections of all taxicabs and equipment owned and operated by him or her and to keep all such taxicabs and their equipment in proper and safe repair and in good sanitary condition at all times. A record of all such inspections shall be kept by the owner and shall be available to the Zoning Administrator at all times.

§ 113.15 MAXIMUM NUMBER OF PASSENGERS.

The driver of the taxicab shall permit no more passengers than the number of seatbelts, which are available for use within the vehicle.

§ 113.16 VEHICLE IDENTIFICATION.

(A) Company name. No person shall operate or cause to be operated within the Town any taxicab carrying passengers for hire from place to place within the city unless the correct name and telephone number of the person or firm owning and operating the vehicle is clearly and visibly marked on both sides of the vehicle in letters at least four inches high.

(B) Vehicle number. The Zoning Administrator shall assign a number to each taxicab permitted to be operated under the provisions of this chapter. The numbers shall begin with number one and shall run consecutively from that number up to and including the total number of taxicabs authorized to be operated in the city. No two taxicabs shall be numbered the same, it being the intent of this section that the numbering of taxicabs in the Town shall not be according to the number operated by any individual firm or owner, but shall be according to the total number of taxicabs authorized to be operated within the Town. The assigned number shall be placed on the sides of the taxicab, immediately below the required name and telephone number, in numerals four inches high. No person shall operate more than one taxicab with the same numbers marked thereon.

§ 113.17 MOST DIRECT ROUTE.

Any taxicab driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his or her destination.

§ 113.18 DISPLAY.

Every taxicab operated within the Town will display the fare either by meter or by chart, which will be visible to the passenger, showing the cost of the fare.

§ 113.19 PASSENGER RIGHTS.

Once a passenger has engaged a taxicab, the driver shall commence transportation of that passenger immediately and shall engage in no other service prior to termination of such transportation. If prior to commencement of such transportation, another person solicits transportation by the same vehicle, such person shall not be granted transportation without the consent of the passenger who first engaged the taxicab.

§ 113.20 REFUSAL OF PASSENGERS.

The driver of a taxicab shall not refuse to carry a person who is orderly and presents no apparent or immediate hazard to the driver by any means to include health and sanitation anywhere in the Town or to any point beyond the Town for the legal fare. It shall be unlawful for a driver to fail to go to a location and carry orderly passengers after the dispatching system has, at the driver's request, identified the pickup location of the passenger.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

§ 113.26 CERTIFICATE REQUIRED.

No person shall operate or permit a taxicab or limousine owned or controlled by him or her to be operated as a vehicle for hire upon the streets of the Town without having first obtained a certificate of public convenience and necessity from the Board of Commissioners.

§ 113.27 APPLICATION.

Each application for a certificate shall be on a form prescribed by the Town, and shall set forth all information required by the Board of Commissioners to determine whether or not the certificate applied for should be issued. Each such application shall be presented to the Town and verified by the applicant under oath and shall be filed with the Zoning Administrator, who shall present it to the Board of Commissioners at their next regularly scheduled meeting.

§ 113.28 PUBLIC HEARING.

Each application for a certificate shall be scheduled for a hearing if the Board of Commissioners determines additional information is needed, at the next regular

meeting of the Board. The applicant shall be notified by the Zoning Administrator by mail, at 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 Zoning Administrator shall also, within the same time, notify all persons who, at that time hold certificates with the Town, of the date and time of such hearing and the name of the applicant.

§ 113.29 ACTION OF BOARD OF COMMISSIONERS; FACTORS.

No certificate shall be granted under this chapter unless the Board of Commissioners shall after hearing, declare by resolution that public convenience and necessity require the proposed taxicab service.

In determining whether the public convenience and necessity require the granting of a certificate under this chapter, the Board of Commissioners shall, among other things, take into consideration the following factors:

(A) Whether or not the public convenience and necessity satisfies the requirement for public safety and availability within the Town.

(B) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory.

(C) The number and condition of taxicabs to be operated.

(D) The schedule of the proposed rates and fares to be charged.

(E) The experience of the applicant in the taxicab business.

(F) Consideration of G.S. 160A-304, Regulation of Taxis.

(G) Such other relative facts as may be deemed necessary and advisable.

The burden of proof under this chapter shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the vehicle for hire specified in the application, and all other facts required for the granting of a certificate required by this chapter.

§ 113.30 APPLICATION FEE.

There is hereby established a charge which shall be in an amount set out in the Town fee schedule for each application for a certificate of public convenience and necessity, which is for the purpose of helping to defray the expenses involved in

checking the application and for services rendered by the Town personnel and others in connection therewith. This charge shall be in addition to and not in lieu of any license tax or other charge imposed by this code and shall not be refundable.

§ 113.31 ISSUANCE OF CERTIFICATE.

The Board of Commissioners shall grant a certificate of public convenience and necessity when the applicant has established to the Board's satisfaction that the public convenience and necessity would be served thereby, that the requirements of this chapter are complied with and that the factors considered by the Board, as set out in §113.29, favor the issuance of a certificate. Each certificate may contain such terms and conditions, as the Board of Commissioners may consider desirable to impose for the public welfare, safety, convenience or necessity.

The Board of Commissioners shall deny a certificate to an applicant who does not establish to the Board's satisfaction that the issuance of a certificate would serve the public convenience and necessity, or when, in the considered opinion of the Board, the applicant would not comply with the provisions of this chapter, or that the factors considered by the Board, as set out in §113.29, favor disapproval of the application.

§ 113.32 SUSPENSION; REVOCATION.

The Board of Commissioners may at any time after a public hearing suspend and revoke any certificate of public convenience and necessity issued by authority of this Chapter for any one or more of the following causes:

- (A) Failure to operate a taxicab specified in the certificate in such manner as to serve the public adequately, safely and efficiently.
- (B) Failure to carry insurance as required by this chapter and in accordance with G.S. 20-280.
- (C) Failure to maintain a vehicle in good repair and in accordance with §113.12.
- (D) Failure to pay the full amount of the tax imposed upon each taxicab when due.
- (E) Repeated and persistent violation, by the taxicab drivers employed by the holder of the certificate, of the state law or provisions of this code and other ordinances of the Town relative to traffic and safety, alcoholic beverages or prostitution.
- (F) Failure to report accidents.
- (G) Discontinued operations for more than 30 days.

No certificate of public 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 or her, 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 in this chapter, the Board shall have the power to suspend or revoke the certificate or to condition a revocation upon compliance of its order within any time fixed by the Board.

§ 113.33 CHANGE OF OWNERSHIP; TRANSFER.

A certificate of public convenience and necessity required by this chapter is not transferable without the consent of the Board of Commissioners. Applications for transfer of a certificate shall be filed in the same manner as an application for a certificate of public convenience and necessity. The proceeding upon such application for 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 approved.

§ 113.34 REPLACEMENT VEHICLE.

Whenever an owner sells or transfers title to any taxicab for which certificates have been granted and the vehicle is retired from use as a taxicab, and, within the 30 days after such sale or transfer, purchases another taxicab, the Board of Commissioners shall, as a matter of right, upon written notification to the Board within 30 days of the purchase, issue new certificates for the operation of no greater number of taxicabs than those so sold or transferred, provided the owner has complied with all the provisions of this chapter.

Any owner whose taxicabs, for which certificates have been granted, have been destroyed involuntarily or who voluntarily destroys any taxicab, will, as a matter of right, upon written notification to the Board of Commissioners within 30 days after the destruction, be issued new certificates for the operation of no greater number of taxicabs than those so destroyed, upon satisfactory evidence presented to the Board of the destruction, provided the owner has complied with all the provisions of this chapter.

§ 113.35 WHEN VEHICLE RETIRED AND NOT REPLACED.

Any owner who permanently retires any taxicab from service and does not replace the same within 30 days thereof shall immediately surrender any certificate granted for the operation of the taxicab to the Board of Commissioners, and the owner may not secure any additional certificate for the operation of a taxicab without having first made application therefor in the manner provided in this chapter.

RATES

§ 113.41 RATES AND FARES.

The rates of fare to be charged for taxicab service by any person owning, operating or controlling any motor vehicle operated as a taxicab within the Town shall be in accordance with the rates to be fixed from time to time by the Board of Commissioners. Fare increases will only be granted by the Board when just reasons for increases have been shown.

§ 113.42 FARE SCHEDULE IN VEHICLE.

No owner of a taxicab shall allow or permit the same to be driven or operated upon the streets of the Town unless there is posted and kept posted in the taxicab a printed schedule of fares and rates not exceeding the maximum amounts prescribed by the Board of Commissioners. The schedule of fares and rates shall be in such form and posted in such places in the interior of the taxicab as to be noticed by all customers.

§ 113.43 EXCESS FARE; FAILURE TO PAY.

It shall be unlawful for the owner or driver of any taxicab to charge or collect from any passenger any fare in excess of the rates prescribed by the Board of Commissioners or for any passenger to fail or refuse to pay any fare charged in accordance therewith. However, this section is not intended to prohibit a taxicab passenger from granting a gratuity to the taxicab driver.

When requested by a passenger, the driver in charge of the taxicab shall deliver to the passenger a legible receipt showing the taxicab operating permit number, the date and the amount of the fare paid. Refusal on the part of the driver to deliver such receipt shall constitute a violation of this chapter.

§ 113.44 DAILY MANIFEST; RIGHT OF INSPECTION.

Every driver shall maintain a daily manifest upon which shall be recorded all trips made each day, the time, place of origin and destination of each trip, the number of passengers and amount of fare for each trip; manifests shall be furnished to the driver by the operating certificate holder.

Every certificate permit holder shall retain and preserve, all drivers' manifests in a safe place for at least 180 days, and the same shall be made available upon demand for inspection by the Franklinton Police Department or the Zoning Administrator.

DRIVER'S LICENSE

§ 113.51 REQUIRED.

In order to ensure that persons employed in the vehicle for hire business are of sound judgement and character, no person shall drive any taxicab carrying passengers for hire from place to place within the Town, or from within the Town to places not in the Town, without having a current and valid chauffeur's license issued by the Department of Motor Vehicles and a taxicab driver permit, referred to in this chapter as a "permit", issued to him by the Town.

§ 113.52 INFORMATION ON APPLICATION.

An application for a driver's permit required by this subchapter shall be filed with the Zoning Administrator. The application shall be in writing, signed and sworn to by the applicant, and shall contain the following specific information:

(A) The full name, age and address of the applicant.

(B) The length of time of his or her residence in the Town and in North Carolina, and whether or not he or she is a citizen of the United States.

(C) His or her full personal description, including his or her height, weight, race, color of eyes, complexion, color of hair and body and facial marks and defects, if any.

(D) His or her previous experience in driving taxicabs.

(E) Whether or not he or she has been convicted of a felony and full information concerning the same, and whether he or she has a police record of any conviction of a misdemeanor, either in this Town or any other place, and full information concerning the same.

(F) Whether he or she has been convicted of any violation of the law in the operation of a motor vehicle, and if so, full information concerning the same; whether he or she has been convicted of any law relating to the sale, possession or use of illegal drugs or intoxicating beverages, and if so, full information concerning the same; and whether he or she has been convicted under any law relating to morals, and if so, full information concerning the same.

(G) The number and date of issuance of the state chauffeur's license issued to the applicant.

(H) Such other information as the Board of Commissioners may require.

§ 113.53 PHOTOGRAPHS AND FINGERPRINTS.

Each applicant for a permit under this subchapter shall have his or her full fingerprints taken and shall have his or her photograph, both front and side view, with his or her hat on and hat off, taken, and such fingerprints and photographs of the applicant shall be filed with the Zoning Administrator and shall accompany the written application and shall constitute a part of the application.

§ 113.54 PHYSICIAN’S CERTIFICATE.

Each applicant for a permit under this subchapter shall submit with his or her application as a part thereof a certificate of a reputable physician in the Town showing that, after examination, the applicant is not afflicted with any disease, physical disability or physical affliction which could materially impair his or her ability to drive a taxicab in a safe manner. The certificate shall also specifically state the condition of the hearing and eyesight of the applicant.

§ 113.55 INVESTIGATION OF APPLICANT; ISSUANCE.

The applicant’s criminal history shall be investigated by the Franklinton Police Department prior to the issuance of a driver’s permit. The Zoning Administrator shall issue a permit as he or she may deem consistent with the public interest, welfare, morals and safety.

The following factors shall be deemed sufficient grounds for refusing to issue a permit or for revoking a permit already issued:

(A) Conviction of a felony against this state or conviction of any offense against another state which would have been felony if committed in this state.

(B) Violation of any federal or state law relating to the use, possession or sale of alcoholic beverages or illegal drugs.

(C) Addiction to or habitual use of alcoholic beverages or narcotic or barbiturate drugs.

(D) Violation of any federal or state law relating to prostitution.

(E) Non-citizenship in the United States.

(F) Habitual violation of traffic laws or ordinances.

The Zoning Administrator may likewise refuse to issue the permit to anyone whose physical or mental condition is such that, in the opinion of the Zoning Administrator, it would be unsafe to passengers or to the public generally for such a person to drive a

taxicab. The Zoning Administrator may, in any case, refuse to issue the permit when the issuance of the same would be contrary to the public morals, welfare or safety.

§ 113.56 FALSE STATEMENTS.

Any false statement of material fact made in an application for a permit shall invalidate the permit issued thereon, and it shall be unlawful for any applicant knowingly to make any such false statement.

§ 113.57 DISPLAY OF PERMIT.

The driver of every taxicab shall at all times while operating such taxicab, prominently post and display in such taxicab, so as to be visible to the passengers therein, the issued permit to drive a taxicab.

§ 113.58 EXPIRATION AND RENEWAL.

Each person who has been issued a permit, which is in effect, shall present such permit to the Zoning Administrator during the month of June of each calendar year for the purpose of having the permit validated. All permits not presented for validation in accordance with this chapter shall become null and void on July 1 of each Calendar year.

Franklinton – Business Regulations

*APPLICATION FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY*

Name of Firm _____ Telephone No. _____

Firm address _____
(street no. & name) (City) (State) (Zip Code)

Names of Owner(s)/Partner(s) _____

Address(1) _____
(street no. & name) (City) (State) (Zip Code)

Address(2) _____
(street no. & name) (City) (State) (Zip Code)

Telephone No(s). _____

Does public convenience and necessity require proposed taxicab service? ___yes ___
no

If yes, give reasons _____

Describe financial responsibility of applicant and the likelihood of the proposed service being permanent, responsible and satisfactory:

Proof of Liability Insurance _____
(Insurance Co. Name) (Agent Name)

Address _____ Telephone No. _____
(Street no. & Name) (City) (State)

Number of vehicles _____ Type of vehicle _____