

CHAPTER 113: TAXICABS

Section

General Provisions

- 113.01 Definitions
- 113.02 Taxicab Inspector
- 113.03 Responsibility of owner; compliance
- 113.04 Federal statutes and regulations
- 113.05 Information filed by owner

Regulations

- 113.20 Insurance; bond
- 113.21 Maximum fares
- 113.22 Fare schedule in vehicle
- 113.23 Excess fare; failure to pay
- 113.24 Inspection of vehicles
- 113.25 Maintenance record
- 113.26 Defective vehicles
- 113.27 Vehicle identification
- 113.28 Lighted sign
- 113.29 Hours of operation
- 113.30 Most direct route
- 113.31 Parking next to taxicab stands
- 113.32 Stopping at bus stop
- 113.33 Report of accident

Certificate of Public Convenience and Necessity

- 113.45 Required
- 113.46 Application form
- 113.47 Council action
- 113.48 Fee
- 113.49 Issuance
- 113.50 Memorandum certificate
- 113.51 Assignment or transfer
- 113.52 Expiration
- 113.53 Renewal
- 113.54 Suspension; revocation
- 113.55 Change of ownership
- 113.56 Replacement vehicle
- 113.57 When vehicle retired and not replaced

Driver's Permit

- 113.70 Required
- 113.71 Information on application
- 113.72 Photographs and fingerprints
- 113.73 Physician's certificate

- 113.74 Action of Council
- 113.75 Identification of driver
- 113.76 Expiration and renewal

GENERAL PROVISIONS

§ 113.01 DEFINITIONS.

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

CERTIFICATE. A certificate of public convenience and necessity issued in accord with this chapter.

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

OWNER. The person who owns a taxicab operating under this chapter, or the person who is in charge of the operation of the taxicab.

TAXICAB. Every vehicle driven or propelled by gasoline, electric motor or other mechanical devices, other than motor buses operating along regular routes or schedules, which is used for the purpose of carrying, transporting or conveying any person from one place to another, for which service a charge or fee is made.

('90 Code, § 19-1)

§ 113.02 TAXICAB INSPECTOR.

(A) There is created the office of Taxicab Inspector, who shall be appointed by the City Manager, with the consent and approval of the City Council.

(B) The Taxicab Inspector shall be responsible for the inspection of taxicabs, the practical administration of this chapter and other ordinances, and the safety and welfare of the public in connection with the operation and use of taxicabs. The Taxicab Inspector shall advise the City Manager, the Chief of Police and the City Council with respect to matters governed or incidentally involved in the operation or administration of this chapter. He or she shall make recommendations to the City Manager and to the Council with respect to the adequacy of taxicab service in the city and whether or not, in his or her opinion, there are too many or too few taxicabs in the city to serve the public convenience and necessity. He or she shall make such studies and recommendations as he or she may deem advisable, looking toward the more efficient operation of taxicabs to the end that the public safety and welfare will be served and proper and adequate taxicab service to the general public will be promoted. He or she shall report to the City Manager and the Council, at its next regular meeting, the names of all taxicab drivers' permits recommended, granted or denied and all those recommended to be revoked, and shall make such other reports to the City Manager and the Council as may be requested from time to time.

('90 Code, § 19-2) (Ord. passed 7-8-69)

§ 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 city. Further, no owner shall knowingly permit or cause to be driven or operated upon any of the streets or other public ways of the city 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 city relating to the chauffeur or driver.

('90 Code, § 19-3)

§ 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.

(^90 Code, § 19-4)

§ 113.05 INFORMATION FILED BY OWNER.

Every owner of a taxicab shall maintain on file with the Taxicab Inspector his or her name, business address, garage address, all business telephones listed in his or her name, the names of all drivers, their license numbers and addresses and shall, within 48 hours after any change in connection therewith is made, report the change to the Taxicab Inspector.

(^90 Code, § 19-6) Penalty, see § 10.99

REGULATIONS

§ 113.20 INSURANCE; BOND.

(A) No person engaged in the business of transporting passengers for hire over the public streets of the city shall operate on the public streets of the city any taxicab, except those operated under the jurisdiction of the State Utilities Commission, without furnishing and keeping in effect for each taxicab so operated a policy of insurance or bond, with sureties whose sufficiency shall at all times be subject to the approval of the City Council. The policy of insurance or surety bond shall obligate the operator to be responsible for money damages for legal liability incurred on account of bodily injury to persons or damage to or destruction of property resulting from the operation of the operator's taxicab upon the streets of the city, and shall be such amounts as the City Council shall from time to time require.

(B) The policy of insurance or surety bond shall be filed with the City Council as a condition precedent to the operation of any taxicab over the streets of the city.

(C) 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 city through the City Manager.

(D) It shall be deemed a sufficient compliance with this section if a certificate issued by the insurer showing that the insured has secured the required insurance and that the same is in force and is filed with the Council. If the certificate is filed, the original policy may be surrendered.

(^90 Code, § 19-5)

§ 113.21 MAXIMUM FARES.

The maximum rates to be charged passengers of taxicabs operating under this chapter shall be such as are prescribed from time to time by the City Council.

(^90 Code, § 19-8)

§ 113.22 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 city 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 Council. The schedule of fares and rates shall be in such form and posted in such places in the interior of the taxicab as may be approved by the City Manager.

(^90 Code, § 19-9)

§ 113.23 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 Council or for any passenger to fail or refuse to pay any fare charged in accordance therewith.

(90 Code, § 19-10) Penalty, see § 10.99
§ 113.24 INSPECTION OF VEHICLES.

(A) 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 Taxicab Inspector, 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.

(B) In addition to the inspection required above prior to the initial operation of a taxicab, the Taxicab Inspector 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.

(90 Code, § 19-11)

§ 113.25 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 Taxicab Inspector at all times.

(90 Code, § 19-12) Penalty, see § 10.99

§ 113.26 DEFECTIVE VEHICLES.

If the Taxicab Inspector finds, upon any inspection made as provided in this chapter, that a taxicab is unsafe or in any way unsuitable for taxicab service, he or she is authorized and empowered to immediately order the same out of service and require that the same be kept out of service until it has been repaired and reinspected and approved by the Taxicab Inspector. Any owner whose taxicab is found to be unsafe for taxicab operation shall have such repairs and alterations made as may be required, and no such owner shall keep any taxicab in taxicab service during the period in which it is found by the Inspector to be unsafe or unsuitable for taxicab service.

(90 Code, § 19-13) Penalty, see § 10.99

§ 113.27 VEHICLE IDENTIFICATION.

(A) Company name. No person shall operate or cause to be operated within the city 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 Taxicab Inspector 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 city 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 city. Each person receiving a certificate under this chapter shall appear before the Taxicab Inspector for assignment of a number for the taxicab covered by the certificate, and the number so assigned shall be marked on the sides of the taxicab, immediately below the required name and telephone number, in numerals four inches high. No person shall operate or cause to be operated any taxicab without the number being painted thereon as required by this section, or to operate or cause to be operated any taxicab which is numbered in any manner except as required by this section. No person shall operate more than one taxicab with the same numbers marked thereon.

(90 Code, § 19-14) Penalty, see § 10.99

§ 113.28 LIGHTED SIGN.

Each taxicab operated in the city shall have on the top thereof an electrically lighted sign displaying the word "Taxi."

(^90 Code, § 19-15) Penalty, see § 10.99

§ 113.29 HOURS OF OPERATION.

The regulation of hours for each taxicab shall be under the supervision of the City Manager, it being the intention to so regulate and distribute the hours as to make certain, as nearly as possible, that as many cabs as are needed may be available at any given time.

(^90 Code, § 19-16)

§ 113.30 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.

(^90 Code, § 19-17) Penalty, see § 10.99

§ 113.31 PARKING NEXT TO TAXICAB STANDS.

No person, while operating or in control of any taxicab, shall park the taxicab or allow it to remain stationary, whether occupied or not, in any street adjacent to premises or parking lots designated for the use of taxicabs. The stopping of a taxicab at the points herein referred to for sufficient time to let off passengers, and no longer, shall not be deemed a violation of this section.

(^90 Code, § 19-18) Penalty, see § 10.99

§ 113.32 STOPPING AT BUS STOP.

The driver of a taxicab shall not park or stand the same at any regular bus stop in the city or ask or solicit employment at any such bus stop. It shall likewise be unlawful for the owner of any taxicab to permit or allow any driver employed by him or her to violate any provision of this section.

(^90 Code, § 19-19) Penalty, see § 10.99

§ 113.33 REPORT OF ACCIDENT.

No driver of any taxicab shall move the same or cause the same to be moved, after a collision or accident involving the taxicab, until the driver has first reported the same to the Police Department of the city and a police officer arrives at the scene of the accident or collision and authorizes the moving of the taxicab.

(^90 Code, § 19-20) Penalty, see § 10.99

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

§ 113.45 REQUIRED.

No person shall operate any taxicab in the city without first having obtained a certificate of public convenience and necessity from the City Council authorizing the operation.

(^90 Code, § 19-36) Penalty, see § 10.99

§ 113.46 APPLICATION FORM.

(A) All persons applying to the Council for a certificate for the operation of one or more taxicabs shall file with the Board a sworn application therewith, in triplicate, on the following form provided by the City Council:

"TO THE MAYOR AND HONORABLE CITY COUNCIL OF THE CITY OF ROXBORO:

The undersigned hereby makes application for a certificate for the operation of taxicabs under and in accordance with the provisions of Chapter 113 of the Roxboro Code of Ordinances, and presents to the Honorable Council the following information:

- (1) The applicant is familiar with the Ordinances of the City of Roxboro relating to liability insurance, driver regulations, regulations of rates and other matters pertaining to the operation of taxicabs.
- (2) The individual, corporate or trade name and business address of the applicant is:

(Name) (Address)

(3) Applicant is:

A. An individual and sole owner of the taxicab business to be operated under the above name.

B. A partnership consisting of the following persons: (Give names and addresses)

C. A corporation chartered under the laws of in the year , and officers of the corporation are: (Give names and business addresses)

(4) Applicant operates in the following cities:

(5) Applicant is requesting a certificate to operate (number) of taxicabs.

(6) In support of this application, there is attached hereto and made a part hereof the following exhibits:

Exhibit A. A full statement of facts (not arguments or conclusions) which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.

Exhibit B. A complete list of applicant's motor equipment, showing year, make, model and carrying capacity of each unit.

Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.

Exhibit D. Statement showing applicant has made complete arrangements for off-street parking of all such motor vehicles.

Exhibit E. Statement of proposed fares for transportation of persons and property.

Exhibit F. Statement of experience of applicant in conducting taxicab business.

(Signed) (Notary Public)

My commission expires: .”

(B) The applicant shall also furnish any additional information that the City Council, in its discretion, shall require.

(’90 Code, § 19-37) Penalty, see § 10.99

§ 113.47 COUNCIL ACTION.

(A) No certificate shall be granted under this chapter unless the City Council shall, after hearing, declare by resolution that public convenience and necessity require the proposed taxicab service.

(B) In determining whether public convenience and necessity require the operation of a taxicab or taxicabs for which application for a certificate or certificates is made, the Council shall consider and investigate whether the demand of the public requires additional taxicab service; the adequacy of existing mass transportation and taxicab service; the financial responsibility and experience of the applicant; the ability of the applicant to earn a fair return on the capital invested; the number, kind and type of equipment and the color scheme to be used; the effect which such additional taxicab service may have upon traffic congestion and parking; whether the additional taxicab service will result in a greater hazard to the public; and such other relevant facts as the Council may deem advisable or necessary.

(^90 Code, § 19-38)

§ 113.48 FEE.

The owner of each taxicab for which a certificate is granted shall pay to the city for each such cab a fee, the amount of which shall be as set from time to time by the City Council. The fee shall be in addition to, and not in lieu of, any other license fees and charges established by proper authority and applicable to taxicabs in the city.

(^90 Code, § 19-39) Penalty, see § 10.99

§ 113.49 ISSUANCE.

Having declared that public convenience and necessity require the proposed taxicab service, the Council shall grant to every person who has filed application therefor as provided in this chapter a certificate of public convenience and necessity for the taxicabs, subject to such conditions as the Council may deem that public convenience and necessity require, provided that:

(A) The owner thereof shall have complied with all the provisions of this chapter.

(B) The vehicle for which application for a certificate is made is found to be in strict compliance with this chapter.

(C) The court record of the applicant is not such as would make it against the public interest for the application to be granted.

(^90 Code, § 19-40)

§ 113.50 MEMORANDUM CERTIFICATE.

For each taxicab for which a certificate has been granted a memorandum certificate shall be issued in such form as the Council may, from time to time, prescribe, such memorandum certificate to be displayed at all times in a conspicuous place in the taxicab for which issued.

(^90 Code, § 19-41)

§ 113.51 ASSIGNMENT OR TRANSFER.

No certificate may be assigned or transferred except upon written application to the Council setting forth the purpose, terms and conditions of the assignment or transfer. The Council shall, after investigation, approve or disapprove the assignment or transfer.

(^90 Code, § 19-42) Penalty, see § 10.99

§ 113.52 EXPIRATION.

All certificates shall expire on June 30 of the fiscal year during which the certificate was granted.

(^90 Code, § 19-43)

§ 113.53 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 the taxicab service.

(^90 Code, § 19-44)

§ 113.54 SUSPENSION; REVOCATION.

(A) Certificates issued under this chapter may be suspended or revoked by the Council at any time in case:

(1) The owner fails to operate the taxicab in accordance with the provisions of this chapter or violates any provision of this chapter;

(2) The owner ceases to operate the taxicab for a period of 30 consecutive days without having obtained permission for cessation of the operation from the Council; or

(3) For any other reason which the Council may deem warrants suspension or revocation.

(B) No certificate shall be revoked unless and until 48 hours notice as shown by the record of service of the notice of a hearing thereon has been given to the holder of the certificate and the hearing is duly had thereon.

(C) A certificate which has been suspended or revoked by the Council shall be surrendered by the holder thereof, and the operation of any taxicab covered by the certificate shall cease.

(^90 Code, § 19-45)

§ 113.55 CHANGE OF OWNERSHIP.

Change of ownership of or title to any taxicab shall automatically revoke any certificate previously granted for the operation of the taxicab. The purchaser of any such taxicab may not operate the vehicle as a taxicab until he or she has applied for and been granted a new certificate in the manner provided in this chapter. For the purposes of this section, a change of ownership is deemed to have taken place, in addition to other methods usually employed, if the owner of any taxicab leases the same to any person under any lease or other arrangement whereby the person shall have the right, upon the payment of an amount of money or other consideration, to acquire title at any future date to the taxicab or any other thing of value.

(^90 Code, § 19-46)

§ 113.56 REPLACEMENT VEHICLE.

(A) 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 Council shall, as a matter of right, upon written application to the Council 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.

(B) 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 application to the Council 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 Council of the destruction, provided the owner has complied with all the provisions of this chapter.

(^90 Code, § 19-47)

§ 113.57 WHEN VEHICLE RETIRED AND NOT REPLACED.

Any owner who permanently retires any taxicab from taxicab 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 Council, 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.

('90 Code, § 19-48) Penalty, see § 10.99

DRIVER'S PERMIT

§ 113.70 REQUIRED.

No person shall drive any taxicab carrying passengers for hire from place to place within the city unless he or she has first applied for and secured a permit from the City Council.

('90 Code, § 19-66) Penalty, see § 10.99

§ 113.71 INFORMATION ON APPLICATION.

An application for a driver's permit required by this subchapter shall be filed with the Taxicab Inspector. 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 city 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 same, and whether he or she has a police record of any conviction of a misdemeanor, either in this city 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 Council may require.

('90 Code, § 19-67)

§ 113.72 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 Taxicab Inspector and shall accompany the written application mentioned in § 113.71 and shall constitute a part of the application.

('90 Code, § 19-68)

§ 113.73 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 city 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.

(90 Code, § 19-69)

§ 113.74 ACTION OF COUNCIL.

(A) The Taxicab Inspector shall transmit each application for a permit under this chapter, together with the fingerprints and photographs of the applicant and the certificate of the physician, to the Council for its consideration. The Taxicab Inspector shall make such recommendations to the Council concerning any such application as he or she may deem consistent with the public interest, welfare, morals and safety. The Council, upon favorable findings by it, shall order the permit issued.

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

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

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

(3) Addiction to or habitual use of alcoholic beverages or narcotic or barbiturate drugs;

(4) Violation of any federal or state law relating to prostitution;

(5) Noncitizenship in the United States;

(6) Habitual violation of traffic laws or ordinances.

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

(90 Code, § 19-70)

§ 113.75 IDENTIFICATION OF DRIVER.

(A) Issuance. When a permit to drive a taxicab is issued by the Council in accordance with the provisions of this subchapter, the permittee shall pay a fee for the issuance to him or her of an identification card by the Taxicab Inspector.

(B) Contents. The card shall not be less than 3¾-inches by 4¾-inches in dimension, shall contain a full-view photograph of the permittee and his or her name, together with the number of the chauffeur's license issued to him or her by the state, and a copy of his or her fingerprints, and shall have printed thereon in type the following language:

"TO THE PASSENGER OF THIS CAB: If the description of the driver of this cab does not conform to the photograph herein, you will please leave the cab and notify the Police Department immediately, giving the name of the cab and the operating name of the concern."

(C) Display. The identification card issued under division (A) of this section shall be kept by the driver to whom it is issued on the inside of the taxicab which he or she is operating, in a permanent container which the owner shall furnish for that purpose in the space immediately above the front windshield and in the middle thereof, measured from the left door to the right door. The identification card shall at all times be in full view of the passengers riding in either the front or the rear seat of the taxicab, and the identification card container in which the identification card is inserted shall be permanently attached in such location in each taxicab which the driver is operating or has in his or her charge.

(^90 Code, § 19-71) Penalty, see § 10.99

§ 113.76 EXPIRATION AND RENEWAL.

All permits issued under this subchapter shall automatically expire on June 30 next following the date of issuance. The permits may be renewed for periods of 12 months by the Council upon application and compliance with the same terms and conditions as are prescribed for original applications and the issuance of original permits.

(^90 Code, § 19-72)