

CHAPTER 116: TAXICABS; FOR-HIRE TRUCKS

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TAXICAB REGULATIONS**§ 116.01 DEFINITION.**

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

TAXICAB. Any motor vehicle seating nine or fewer passengers operating upon any street or highway on call or 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 being transported, and shall not include motor carriers as defined in G.S. § 62-39(17).
(`92 Code, § 65.01)

§ 116.02 PERMIT REQUIRED.

(A) No person shall operate a taxi in the town without first having obtained a permit.

(B) The Town Clerk is hereby authorized to issue permits to operate taxis in the town upon prior approval by the Board of Aldermen.

(C) At no one time shall more than nine taxi permits be outstanding in the town.
(`92 Code, § 65.02) Penalty, see § 10.99

§ 116.03 CERTIFICATE OF CONVENIENCE AND NECESSITY REQUIRED.

(A) 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 of Aldermen a certificate of convenience and necessity pursuant to this section.

(B) Each person desiring a certificate of convenience and necessity shall file an application therefor on forms supplied by the Town Clerk.

(1) Each application for a certificate of convenience and necessity shall be scheduled for a hearing not later than 30 days after it is filed. 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 the hearing, which notification shall be sent at least ten days before the day set for the hearing. The Town Clerk shall also, within the

same time, notify all persons who at that time hold certificates of convenience and necessity for the operation of taxicabs within the town of the time and date of such hearing, and the name of the applicant. In addition, the Town Clerk shall cause to be published at least once in a newspaper of general circulation at least ten days before the hearing, a notice setting forth the name of the applicant and the date and time of the hearing. The cost of publication shall be paid by the applicant.

(2) The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicabs specified in his application, and all other facts required for the granting of a certificate.

(3) In determining whether the public convenience and necessity requires the issuance of a certificate, the Board of Aldermen shall, among other things, take into consideration the following factors:

(a) Whether or not the public convenience and necessity requires such proposed or additional taxicab service 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 the equipment;

(d) The schedule of proposed rates to be charged;

(e) The number of taxicabs now operated and the demand for increased service, if any; 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 taxicabs;

(f) The experience of the applicant in the taxicab business;

(g) Such other relevant facts as may be deemed necessary and advisable.

(4) Before making any decision with respect to the issuance of a certificate, the Board of Aldermen or a committee thereof shall make a full and complete investigation of all facts and may, if it so desires, subpoena witnesses and utilize the services of the Chief of Police or any other officer or employee of the town.

(5) The Board of Aldermen shall have power, and it shall be its duty, to order certificates issued, to refuse to issue the certificates, or to issue certificates for a partial exercise only of the privileges sought. It may attach to the exercise of the rights granted by such certificate, such terms and conditions as in their judgment the public convenience and necessity may require.

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(C) A certificate issued pursuant to this section shall constitute a franchise from the town for the operation of taxicabs within the town, subject to the provisions of this section for one year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually and hearings conducted as herein provided.

(D) If a certificate is granted to an applicant pursuant to this section and the certificate holder shall fail, in accordance with the provisions of the certificate, to begin operation within 60 days after the date of the certificate, the certificate shall become null and void.

(E) A certificate is not transferable without the consent of the Board of Aldermen. Application to transfer a certificate shall be filed in the same manner as an application for a certificate. The proceedings upon such application for transfer shall be the same as those for the issuance of a certificate, except that the question of public convenience and necessity need not be proved.

(F) The person to whom a certificate has been issued may, by appropriate endorsement thereon by the Town Clerk, substitute another vehicle or vehicles for the vehicle or vehicles for which the certificate was granted. In such instance, the liability insurance or bonds shall also be transferred to the substitute vehicle.

(`92 Code, § 65.03) Penalty, see § 10.99

§ 116.04 REVOCATION OF CERTIFICATE.

(A) The Board of Aldermen may at any time after a public hearing revoke any certificate of convenience and necessity issued by authority of § 116.03 for any one or more of the following causes:

- (1) Failure to operate the taxicabs 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 may be required by state law, this chapter or other town ordinance;
- (4) Failure to pay to the town privilege license fee;
- (5) Repeated and persistent violation by the taxicab drivers of traffic and safety ordinances, or state laws relating to alcoholic beverages or prostitution;
- (6) Failure to report accidents;

(7) Willful failure to comply with any provision of this chapter or other provisions of this code or other ordinances or state laws relating to the operation of taxicabs;

(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 prescribed in division (A), the Board of Aldermen shall have the power to revoke the certificate or to condition a revocation upon compliance with its order, within any time fixed by it.

(`92 Code, § 65.04)

§ 116.05 AUTHORITY TO LIMIT RATES.

The Board of Aldermen shall have the authority, if it feels that excessive rates are being charged by any person operating a taxi in the town, to set reasonable limits on the fares charged. Failure to conform to any rate limitations that may be set may result in revocation of the certificate of convenience and necessity.

(`92 Code, § 65.05) Penalty, see § 10.99

§ 116.06 REFUSAL TO PAY FARE.

Any person who shall fail or refuse to pay the fare due for transportation provided by a duly licensed taxicab shall be guilty of a misdemeanor punishable as provided by § 10.99.

(`92 Code, § 65.06) Penalty, see § 10.99

§ 116.07 TRANSPORTATION FOR UNLAWFUL PURPOSES.

It shall be unlawful for any operator of a taxicab to knowingly transport any person engaged in, or for the purposes of engaging in, immoral or unlawful activities. Violation of this section shall constitute grounds for revocation of an operator's certificate.

(`92 Code, § 65.07) Penalty, see § 10.99

§ 116.08 LIABILITY INSURANCE.

No person licensed by the governing body to operate a taxicab within the corporate limits of the town, or the person's agent, employer or servant, shall haul, transport or permit any person to ride in the taxicab, at any time the taxicab is being operated for hire in the corporate limits of the town without first having obtained a policy of insurance, to be approved by the governing body in the amount of \$100,000 bodily injury liability, conditioned on such person (owner and/or operator of the taxicab) responding in damages for any liability insured on account of any injury to the persons riding in the taxicab, resulting from the operation of the taxicab.

FOR-HIRE PICKUP TRUCKS**§ 116.20 DEFINITIONS.**

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

FOR HIRE PICKUP TRUCKS. Any truck specified by the manufacturer as having a load or carrying capacity of one ton or less, and for which a service license tag has been procured from the State of North Carolina.

HIGHWAY. The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter or right for the purposes of vehicular traffic and shall include any highway, street, road, alley, or driveway open to the use of the public as a matter of right for the purposes of vehicular traffic, but is not limited thereto.

PERSON. Any individual, firm, co-partnership, association, or corporation.
(`92 Code, § 65.15) (Ord. passed 3-3-50)

§ 116.21 OPERATOR'S APPLICATION.

No person shall operate a for-hire pickup truck on any highway within the corporate limits of the town without first having made application to the governing body of the town for a license to operate the truck within the corporate limits of the town. No person shall operate a for-hire pickup truck on any

highway within the corporate limits of the town without first having obtained a license from the governing body of the town, authorizing and permitting the person to operate the truck within the town. In making the application to the governing body, the person shall supply the following information on form application blanks to be furnished by the town, and the application shall be signed by the applicant: name, age, type of operator's license, physical defects, conviction of violating motor vehicle laws. (^92 Code, § 65.16) (Ord. passed 3-3-50)

§ 116.22 LIABILITY INSURANCE.

No person licensed by the governing body to operate a for-hire pickup truck within the corporate limits of the town, or the person's agent, employer or servant, shall haul, transport or permit any person to ride in the truck, at any time the truck is being operated for hire in the corporate limits of the town without first having obtained a policy of insurance, to be approved by the governing body in the amount of \$100,000 bodily injury liability, conditioned on such person (owner and/or operator of the truck) responding in damages for any liability insured on account of any injury to the persons riding in the for-hire pickup truck, resulting from the operation of the for-hire pickup truck. (^92 Code, § 65.17) (Ord. passed 3-3-50)

§ 116.23 TERM OF LICENSE.

A license issued under the provisions of this subchapter by the governing body shall be issued for a period of 12 months. (^92 Code, § 65.18) (Ord. passed 3-3-50)

§ 116.24 REVOCATION OF LICENSE.

The governing body shall have authority in its discretion to revoke any license issued under this subchapter upon the conviction of any licensee, or licensee's servant, employee, or agent, of the violation of any of the terms or provisions of this subchapter. (^92 Code, § 65.19) (Ord. passed 3-3-50)

§ 116.25 REFUSAL TO ISSUE LICENSE.

The governing body shall have authority in its discretion to refuse to issue a license to any applicant who has been convicted of having violated any of the provisions of this subchapter, has any physical impairment which would affect the applicant's driving ability, or who is a constant violator of the motor vehicle laws. (^92 Code, § 65.20) (Ord. passed 3-3-50)

§ 116.26 ENFORCEMENT.

It shall be the duty of the Police Department to enforce the provisions of this subchapter. ('92 Code, § 65.21) (Ord. passed 3-3-50)

PARKING REGULATIONS**§ 116.40 DEFINITIONS.**

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

FOR-HIRE TRUCK. Any and all trucks maintained or operated for hire.

PERSON. Any individual, firm, co-partnership, association, corporation or any person or group of persons.

TAXICAB. Any and all passenger carrying vehicles maintained or operated for hire. ('92 Code, § 65.30) (Ord. passed 6-9-50)

§ 116.41 USE OF STREETS PROHIBITED IN CERTAIN AREAS.

No person, taxicab operator or for-hire truck operator shall, between the hours of 7:00 a.m. and 10:00 p.m. of each and every day, park a taxicab or for-hire truck on Everett Street, between the bridge crossing Tuckaseegee River and Academy Street, or on Main Street between the alleyway on the east side of the old Kephart Tavern Building and the west side of the Myers Tourist Court property, for the purpose of soliciting business. No person, taxicab operator or for-hire truck operator shall use those portions of those streets for or in connection with the taxicab or for-hire truck business. No person, taxicab operator or for-hire truck operator shall use those portions of those streets as a depot or terminal for or in connection with the taxicab or for-hire truck business. No taxicab operator or for-hire truck operator shall use those portions of those streets except for the purpose of transporting, loading and unloading of passengers and/or property.

('92 Code, § 65.31) (Ord. passed 6-9-50) Penalty, see § 10.99

§ 116.42 ENFORCEMENT.

It shall be the duty of the Police Department to enforce the provisions of this subchapter.
(`92 Code, § 65.32) (Ord. passed 6-9-50)

