

Chapter 113. Taxicabs

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GENERAL PROVISIONS

§ 113.01 TITLE

This chapter shall be known and may be cited as the Taxicab Regulations of Matthews, North Carolina.
(’72 Code, § 20-1-1) (Ord. 23, passed 12-12-77)

§ 113.02 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 operated 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 so being transported, and shall not include motor vehicles or motor vehicle carriers as defined in G.S. § 62-103(k).

(’72 Code, § 20-1-2) (Ord. 23, passed 12-12-77)

§ 113.03 VIOLATION OF REGULATIONS; REVOCATION OR SUSPENSION

It shall be unlawful for any person to violate any of the provisions of this chapter. Upon being convicted of a violation of any of the provisions of this chapter, the Town Board of Commissioners may suspend or revoke any certificate or certificates held by that person.

('72 Code, § 20-1-3) (Ord. 23, passed 12-12-77) Penalty, see § 10.99

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

§ 113.15 CERTIFICATE REQUIRED

No owner shall operate any taxicab in the town without first having obtained a certificate of public convenience and necessity from the Town Board of Commissioners authorizing that operation.

('72 Code, § 20-1-4A) (Ord. 23, passed 12-12-77) Penalty, see § 10.99

§ 113.16 APPLICATION

All persons or owners applying to the Town Board of Commissioners for a certificate for the operation of one or more taxicabs shall file with the Board a sworn application therefore 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;

(B) The number of vehicles actually owned and the number of vehicles actually operated by that owner on the date of the application, if any;

(C) The number of vehicles for which a certificate of public convenience and necessity is desired;

(D) The make, type, year of manufacture, factory or serial number, engine number, weight, title number, and passenger capacity of each taxicab for which application for a certificate of public convenience and necessity is made;

(E) Court record of applicant. If the applicant is a corporation, the court record of the officers, directors, and supervising employees thereof, including general manager, if any; and

(F) Any other information as the Town Board may, in its discretion, require.

('72 Code, § 20-1-4B) (Ord. 23, passed 12-12-77)

(G) The Matthews Police Department is hereby authorized to utilize the Division of Criminal Information (DCI) System to verify the criminal history of the applicant and any driver employee of the applicant.

(Ord. 1253, passed 12-9-02)

§ 113.17 HEARING ON APPLICATION

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

§ 113.18 ISSUANCE

Having declared that public convenience and necessity require the proposed taxicab service, the Town Board of Commissioners shall grant to every person who shall have filed application therefore as herein provided, a certificate of

public convenience and necessity for such taxicab or taxicabs subject to those conditions as the Town Board may deem that public convenience and necessity require, provided:

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

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

('72 Code, § 20-1-4D) (Ord. 23, passed 12-12-77)

§ 113.19 EXPIRATION

All certificates shall expire on April 30 of the year during which those certificates were granted.

('72 Code, § 20-1-4E) (Ord. 23, passed 12-12-77) (Ord. 1253, passed 12-9-02; Ord. 1588, passed 8-27-07)

§ 113.20 RENEWAL

Upon application, prior to the termination of each fiscal year, the Town Board of Commissioners 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 Town Board regarding the continued necessity for that taxicab service.

('72 Code, § 20-1-4F) (Ord. 23, passed 12-12-77; Ord. 1588, passed 8-17-07)

§ 113.21 CERTIFICATE DISPLAY

For each taxicab for which a certificate has been granted, a memorandum certificate shall be issued by the Board of Commissioners and this memorandum certificate will be displayed at all times, in a conspicuous place in the taxicab for which it was issued, as hereinafter provided in this chapter.

('72 Code, § 20-1-4G) (Ord. 23, passed 12-12-77) Penalty, see § 10.99

§ 113.22 NONTRANSFERENCE OF CERTIFICATE

No certificate of necessity shall be assigned or transferred without the approval of the Town Board of Commissioners.

('72 Code, § 20-1-4H) (Ord. 23, passed 12-12-77) Penalty, see § 10.99

§ 113.23 CHANGE OF OWNERSHIP

(A) Change of ownership of, or title to, any taxicab or taxicabs, shall automatically revoke any certificate previously granted for the operation of that taxicab or taxicabs. The purchaser of any taxicab or taxicabs may not operate those vehicles as taxicabs until he has applied for and been granted new certificates in the manner provided in this chapter.

(B) For the purposes of this chapter, 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 that person shall have the right upon the payment of an amount of money or other consideration to acquire title at any future date to that taxicab.

('72 Code, § 20-1-4I) (Ord. 23, passed 12-12-77) Penalty, see § 10.99

§ 113.24 DESIGNATION AND REPLACEMENT OF TAXICABS

Whenever an owner replaces or permanently retires from service, title to a taxicab or taxicabs for which a certificate or certificates have been granted, and, within 90 days after that replacement or retirement, purchases other taxicabs, the Town Board of Commissioners shall, as a matter of right, upon written application to the Town Board within 90 days of that purchase, issue a new certificate or certificates for the operation of no greater number of taxicabs than those so replaced or retired, and provided the owner has complied with all the provisions of this chapter.

('72 Code, § 20-1-4J) (Ord. 23, passed 12-12-77) Penalty, see § 10.99

§ 113.25 SUSPENSION AND REVOCATION

(A) Certificates may be suspended or revoked by the Town Board of Commissioners at any time in case:

- (1) The Town Board finds the owner's past record to be unsatisfactory;
- (2) The owner fails to operate the taxicab or taxicabs in accordance with the provisions of this chapter; and
- (3) For any other reason that the Town Board may deem warrants suspension or revocation.

('72 Code, § 20-1-4K)

(B) No certificate shall be revoked unless and until 48 hours' notice of a hearing shall have been given the holder of that certificate and the hearing is duly had thereon.

('72 Code, § 20-1-4L) (Ord. 23, passed 12-12-77)

§ 113.26 SURRENDER OF CERTIFICATE

Certificates which shall have been suspended or revoked by the Town Board of Commissioners shall forthwith be surrendered to the Town Board together with the corresponding memorandum certificates, and the operation of any taxicab or taxicabs covered by those certificates shall cease.

('72 Code, § 20-1-4M) (Ord. 23, passed 12-12-77)

STANDARDS OF OPERATION

§ 113.40 COMPLIANCE WITH STATE LAW

Every taxicab shall be operated in accordance with the laws of this state and the ordinances of this town and with due regard for the safety, comfort and convenience of passengers; for the safe and careful transportation of property; and for the safety of the general public.

('72 Code, § 20-1-7B) (Ord. 23, passed 12-12-77) Penalty, see § 10.99

§ 113.41 PAYMENT OF LICENSE FEES

No owner shall operate any taxicab in the town without first having paid to the town a license fee in the sum of \$15 per fiscal year upon each vehicle to be operated in the town as a taxicab.

('72 Code, § 20-1-9) (Ord. 23, passed 12-12-77) (Ord. 928, passed 7-28-97) (Ord. 1253, passed 12-9-02) Penalty, see § 10.99

§ 113.42 VEHICLE AND EQUIPMENT SPECIFICATIONS; INSPECTION

(A) *Conformity.* No vehicle shall be granted a certificate unless it conforms with all the provisions of this chapter.

(B) *Equipment required.* All taxicabs shall be equipped in accordance with the state and federal regulations governing the equipment required for the operation of motor vehicles. In addition, every taxicab shall be equipped with a card frame for the proper display of the owner's memorandum certificate, rate card and taxicab driver's permit, and the same shall be located as to be, at all times in plain view of the passenger.

(C) *Color scheme for taxicabs.* All taxicab companies shall adopt a separate color scheme for painting of their cabs, distinct from that of any other cab company. All taxicabs of each company shall be of the same color scheme.

(D) *Inspection.* Before a certificate is issued to any owner, the owner of the taxicab or taxicabs for which the certificate or certificates are requested shall deliver the taxicab or taxicabs to a place designated by the Town Board of Commissioners for inspection, and the Town Board shall designate agents to inspect the taxicab or taxicabs, and their equipment, to ascertain whether the taxicab or taxicabs comply with the provisions of this chapter. Any taxicab which is found, after any inspection, to be unsafe or in any way unsuitable for taxicab service may be immediately ordered out of service by the Town Board, and before again being placed in service, shall be delivered to the Town Board at a designated point for re-inspection.

('72 Code, § 20-1-6) (Ord. 23, passed 12-12-77) Penalty, see § 10.99

§ 113.43 VEHICLE REGISTRATION; LICENSES

No person shall operate a motor vehicle as a taxicab until that vehicle has been registered in accordance with all the requirements of this state and all proper licenses have been obtained therefore.

('72 Code, § 20-1-7A.) (Ord. 23, passed 12-12-77) Penalty, see § 10.99

§ 113.44 INSURANCE POLICIES; LIABILITY

(A) *Insurance policies.* No person shall operate or cause to be operated any taxicab over the streets of the town without first taking out and keeping in full force and effect at all times a policy or policies of insurance with some insurance company licensed to do business in North Carolina. The insurance policy shall be conditioned on such operator's responding in damages for any liability incurred on account of any injury to persons or damage to property and shall be in at least the minimum amounts required by state law.

(B) *Policy of insurance to be filed with town.* As a condition precedent to the operation of any taxicab on the streets of the town, any person who has otherwise qualified for operating taxicabs in the town shall file first with the Town Board a copy of the policy or policies of insurance carried by that person, which policy of insurance shall, among other things, set forth a description of each and every taxicab operating under the terms of the policy, including the make, model, motor number, state license number and the number of the certificate for each and every taxicab.

('72 Code, § 20-1-7D)

(C) *Liability.* Any policy of insurance submitted hereunder and every bond herein provided for shall be conditioned upon the payment of any final judgment recovered by any person as a result of the negligent operation of any vehicle or taxicab permitted to operate hereunder, within the limits herein provided, no matter by whom operated or driven at the time of the injury or damage. The insurance or bond shall contain a provision for the continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon. ('72 Code, § 20-1-7E)

(Ord. 23, passed 12-12-77; Am. Ord. 831, passed 10-24-94) Penalty, see § 10.99

§ 113.45 CHAUFFEUR LICENSE FOR DRIVERS REQUIRED

No person shall drive a taxicab within the town without first having obtained a North Carolina Automobile Chauffeur's license.

('72 Code, § 20-1-8.A) (Ord. 23, passed 12-12-77) Penalty, see § 10.99

§ 113.46 CONDUCT OF DRIVERS

No driver of a taxicab shall:

(A) Deceive or attempt to deceive any passenger who may ride in his taxicab as to his destination or the rate of fare to be charged or shall convey any passenger to a place other than directed by him, and in no event shall any operator take a longer route to the designation than necessary unless so requested by the passenger or passengers.

(B) Fail to comply with all reasonable and lawful requests of the passenger or passengers as to the speed of travel and the route to be taken.

(C) Permit more persons to be carried in a taxicab in the town at any one time than the seating capacity of that taxicab, including the driver and children in arms excepted.

(D) Refuse or neglect to convey any orderly person upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.

('72 Code, § 20-1-8B) (Ord. 23, passed 12-12-77) Penalty, see § 10.99

§ 113.47 RATES

Every taxicab operated within the town or operated between the town and points unincorporated within a radius of five miles of the town shall have at all times prominently posted and displayed in the taxicab, so as to be visible to the passengers therein, the rates and fares for the use of such cab.

(Ord. 831, passed 10-24-94) Penalty, see § 10.99