

CHAPTER 113: TAXICABS

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§ 113.01 DEFINITION.

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 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. § 20-376.
(Ord. passed 8-10-93)

§ 113.02 UNLAWFUL TO OPERATE WITHOUT CERTIFICATE.

It shall be unlawful for any person to operate a taxicab upon and over the streets and public ways of the town without first having applied for and secured from the Board of Commissioners a Certificate of Convenience and Necessity as hereinafter set forth.
(Ord. passed 8-10-93) Penalty, see § 10.99

§ 113.03 APPLICATION REQUIRED.

Every person desiring to operate a taxicab upon and over the streets of the town shall file an application for a Certificate of Convenience and Necessity.
(Ord. passed 8-10-93)

§ 113.04 ISSUANCE OF CERTIFICATE.

The Town Board of Commissioners shall have the power, and it will be its duty, to issue certificates under this chapter or refuse to issue certain certificates or to issue certificates for partial exercise only of the privileges sought. It may attach to the exercise of the rights granted such terms and conditions as in its judgment the public convenience and necessity may require.
(Ord. passed 8-10-93)

§ 113.05 DURATION OF CERTIFICATE.

A certificate shall constitute a franchise from the town for the operation of taxicabs within the town limits subject to the provisions of this chapter for one year, unless a shorter period of time is specified. Applications for renewal shall be filed annually and a hearing shall be conducted thereon.
(Ord. passed 8-10-93)

§ 113.06 DETERMINATION OF CONVENIENCE AND NECESSITY.

In determining whether the public convenience and necessity require the franchising of a taxicab, the Board of Commissioners 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 that the proposed service may be permanent and responsible.

(C) The number and conditions of equipment.

(D) The schedule of proposed rates.

(E) The number of taxicabs now operated and the demand for increased service, if any, and whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved and whether adequate provision has been made for off-street parking.

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

(G) Such other relevant facts as may be deemed necessary and advisable.
(Ord. passed 8-10-93)

§ 113.07 HEARING.

Each application for a Certificate of Convenience and Necessity under this chapter shall be scheduled for a hearing not later than the next regularly scheduled Board of Commissioners meeting provided that the applications filed at least 20 days before the meeting, and the date set for the hearing. The town shall also, within the same time, notify all other persons who at the time hold Certificates of Convenience and Necessity as to the date and time for such hearing and the name of the applicant. In addition, the town 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 applicant and the date and time of the hearing. The cost of such publication shall be paid by the applicant.
(Ord. passed 8-10-93)

§ 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 and all other facts required for the granting of a certificate.
(Ord. passed 8-10-93)

§ 113.09 TRANSFER.

A certificate granted under this chapter is not transferable without the consent and approval of the Board of Commissioners. The proceedings upon an application for transfer shall be the same as those prescribed for the issuance of a certificate, except that the question of public convenience and necessity need not be approved.

(Ord. passed 8-10-93)

§ 113.10 REVOCATION.

(A) The Board of Commissioners may at any time, after a public hearing, revoke any certificate issued by authority of this chapter for any of the following causes:

(1) Failure to operate the taxicab specified in the certificate in such a manner as to serve the public adequately and efficiently.

(2) Failure to maintain motor equipment in good repair.

(3) Failure to carry liability insurance as required by law.

(4) Failure to pay to the town the current taxes or license fees imposed.

(5) Repeated or persistent violation by the taxicab drivers of traffic and safety ordinances or state laws relating to alcoholic beverages.

(6) Failure to report accidents.

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

(B) No certificate shall be revoked until the owner has had at least five days notice by personal service or certified 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 above, the Town Board of Commissioners shall have the power to revoke the certificate, or to condition a revocation upon compliance with its order.

(Ord. passed 8-10-93)

§ 113.11 SUBSTITUTION OF VEHICLES.

The person to whom a certificate has been issued under this chapter may, by proper endorsement thereon by the Town Code Enforcement Officer, substitute another vehicle for the vehicle for which the certificate was granted. In such instance, liability insurance shall also be transferred.

(Ord. passed 8-10-93)

§ 113.12 NUMBER OF CERTIFICATES LIMITED.

The Board of Commissioners reserves the right to issue only one certificate to any one person and the person holding such certificate shall be required to operate his taxicab himself and shall have no power to delegate the operation thereof to any other person.

(Ord. passed 8-10-93)

APPLICATION FOR
CERTIFICATE OF CONVENIENCE AND NECESSITY

TOWN OF CALABASH, NC

The following should be completed by Applicant and furnished the Town Clerk. Upon receipt of application, applicant will be advised by the Town Clerk as to scheduled date of hearing (within 20 days).

1. Name of Applicant _____
2. DBA (Company Name) _____
3. Residence Address _____

4. Business Address _____
5. Telephone Number Business _____ Residence _____
6. NC Drivers License _____ Exp Date _____
7. List All Motor Vehicle Convictions (Past 3 Years)

8. Identify by VIN, Make and Model, each Taxicab to be operated in the Town of Calabash

9. Identify location of facility within Town of Calabash from which Taxicabs will operate if other than business address (#4)

Address _____ Telephone _____

10. Identify Insurance Carrier (Applicant should attach certification from Insurance Carrier (Agent) as to liability coverage)

Policy Number _____

Coverage Amounts _____

11. Identify Schedule of Proposed Rates

Signed _____ Date _____
Applicant

Signed _____ Date Recd. _____
Town Clerk

Date of Hearing _____