

ORDINANCE AMENDING CHAPTER 28 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO  
TAXICABS AND BUSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Chapter 28 Article II Sections 28-31 through 28-103 of the Greensboro Code of Ordinances is hereby enacted to read as follows:

Chapter 28 - TAXICABS AND BUSES<sup>[1]</sup>

ARTICLE II. - TAXICABS<sup>[2]</sup>

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**Cross reference**— Privilege license on taxicabs, § 13-113.

**State Law reference**— Taxicab regulations authorized, G.S. § 160A-304.

DIVISION 1. - GENERALLY

Sec. 28-16. - 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:

*Driver or operator* means any person who actually drives or operates a cab or taxicab on the streets of the city for hire. No person shall drive or operate a taxicab unless licensed by the City of Greensboro.

*Firm* means an owner engaged in the operation of taxicabs under a tradename.

*Meter* means a time and/or distance measuring device used for the purpose of calculating fares. A meter may be a taximeter, or other device typically used as an industry standard that keeps an accurate calculation of the fare to be charged.

*Owner* means any person engaged in a taxicab service and holding legal right to possession and management, to one (1) or more vehicles being operated as a taxicab. No person shall operate as an owner unless licensed by the City of Greensboro.

*Certificate of Public Convenience and Necessity* means a certificate issued by the City of Greensboro allowing the holder of the certificate to operate a taxicab or a taxicab service. Each person engaged in the business of operating a taxicab service shall make an application to the City of Greensboro for a certificate. There must be a vehicle registered to each certificate. The titled owner of each vehicle must be the same person whose name is listed on the certificate. A certificate is a license to operate a taxicab service and is non-transferable. A certificate must be surrendered to the City of Greensboro upon demand by the City. Once an applicant receives a certificate, the certificate must be renewed one (1) time per year. Certificates must be displayed in a location visible to passengers.

*Taxicab* means a passenger motor vehicle plying for hire for which public patronage is solicited and which is so designed as to seat comfortably not more than nine (9) persons.

*Taximeter* means a mechanical device which is installed in a taxicab for the purpose of computing the fare for a trip upon the basis of distance traveled, waiting time, or both.

(Code 1961, § 20-1)

Secs. 28-17—28-30. - Reserved.

## DIVISION 2. - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

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### Sec. 28-32. - Application.

- (a) Any person desiring a certificate of convenience and necessity for the operation of a taxicab shall file with the chief of police, or his designee, a sworn application therefor, in duplicate, on forms provided by the chief of police. Every application for a certificate of convenience and necessity shall be accompanied by the sum of one hundred dollars (\$100.00) to defray the cost of the investigation to be made of the applicant. Every application must be renewed one (1) time per year on or before the date the application was issued. There shall be no charge for the annual renewal. There must be a certificate of convenience and necessity for each taxicab operated within the City of Greensboro. An application must be activated by placing a vehicle into service within 90 days of the application date.
- (b) The application will contain the following information:
- (1) The name and address of the person, partnership, business, firm or corporation, or proposed partnership, business, firm or corporation. The name and address of the person or persons who own, operate, or manage the business, and in the event that the applicant be an existing corporation, a certified copy of the articles of incorporation, along with names and addresses of all stockholders or proposed stockholders owning as much as twenty (20) percent of outstanding stock, and a copy of the corporate filing from the North Carolina Secretary of State.
  - (2) The number of vehicles actually owned and the number of vehicles actually operated by such applicant on the date of such application, if any, or anticipated number of same to be readily available for service.
  - ~~(3) The number of vehicles for which a certificate of public convenience and necessity is desired.~~
  - (4) Whether there are any unpaid or unbonded judgments or records against such applicant, and if so, the title of all actions and the amount of all judgments unpaid or unbonded.
  - (5) The make, type, year of manufacture, and passenger capacity of ~~each~~ the taxicab for which this application for a certificate of public convenience and necessity is made.
  - (6) Court record of applicant. If applicant is a person, partnership, business firm or corporation or proposed person, partnership, business, firm or corporation, the court record of ~~the any owners, operators, managers, officers, directors, and supervising employees thereof, including general manager, if any.~~ The city council shall not issue a certificate of convenience if court records do not comply with the requirements of section 28-70, paragraphs (a)(2) and (a)(3).
  - ~~(7) Whether there are any liens, mortgages, or other encumbrances on such vehicles, and, if so, the amount and character thereof; if vehicles have not been purchased, estimate of expected liens, mortgages or other encumbrances, and the amount and character thereof.~~
  - (8) An accurate description of the proposed or actual taxicab operation, including size and description of building to be utilized; off-street storage facilities; color scheme of taxicabs; use of radio transmitters and receivers for both base and mobile units; use of cell phones; use of internet applications; maintenance of vehicles; use and location of call boxes, availability and source of employees and drivers; recording and office equipment; and any other information necessary in order for the council to evaluate the applicant's ability to provide and maintain taxicab service as required under this article.
  - (9) Such other information as the council may, in its discretion, require.
- (c) Any fees or costs incurred by the city in the investigation of the applicant shall be borne by the applicant.

(Code 1961, § 20-4; Ord. No. 90-54, § 1, 4-12-90; Ord. No. 00-155, § 1, 6-6-00)

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Sec. 28-34. - Issuance standards and procedures.

- (a) In determining whether public convenience and necessity require the operation of a taxicab or taxicabs and in issuing certificates for which applications are made, the council shall consider in addition to the information set forth in the applications:
- (1) Whether the demand of the public requires additional taxicab service.
  - (2) The adequacy of existing mass transportation, and taxicab service.
  - (3) The financial responsibility, experience and quality of service being rendered, if any, by each applicant.
  - (4) The total number of certificates held by each applicant.
  - (5) The ability to provide continuity of service regarding certificates surrendered by associates of applicant.
  - (6) The ability of each applicant to earn a fair return on the capital invested.
  - (7) The number, kind and type of equipment.
  - (8) The ability of each applicant to provide an efficient level of service.
  - (9) The survey and recommendation of the chief of police.
  - (10) Any other considerations as in the opinion of the council will tend to improve taxicab service in the city and which will assist in determining whether public necessity and convenience require the operation of additional taxicabs.
- (b) The council shall not issue a certificate of convenience and necessity to any applicant unless the council is satisfied that the applicant is qualified pursuant to the provisions of this chapter, and shall conform to and comply with the provisions, terms and conditions of this article, including section 28-70, paragraphs (a)(2), (3), and the applicant has been determined to meet the following requirements:
- (1) The applicant is at least eighteen (18) years of age or is otherwise legally emancipated.
  - (2) The applicant has not entered a plea of guilty or no contest to nor has been convicted of:
    - a. A violation of any federal or state statute relating to prostitution or gambling laws, or the use, possession, or sale of a controlled substance within five (5) years preceding the application;
    - b. A violation of any federal or state statute relating to transporting or selling or possessing intoxicating liquors within five (5) years preceding the application;
    - c. A felony within five (5) years preceding the application;
    - d. Any crime which may reasonably be interpreted as involving moral turpitude or is so offensive to the public morals or of a sexual perversion as to justify the conclusion that the applicant is not of good moral character, including but not limited to those offenses listed in Chapter 14, Article 26 and Article 27 of the North Carolina General Statutes, relating to offenses against public morality and decency and crimes related to prostitution within five (5) years preceding the application.
    - e. A violation of any state statute relating to operating an automobile while under the influence of alcohol or drugs, or when the amount of alcohol in the blood meets or exceeds a specifically prohibited level, or when the operation of a vehicle has been directly and visibly affected by the operator's consumption of alcoholic beverages within five (5) years preceding the application.

- (3) The applicant is not an habitual user of drugs or intoxicating liquors.
- (4) There are no unpaid and unbonded judgments of record against the applicant; or, if unpaid and unbonded judgments of record exist, the applicant has established and maintained regular periodic payments in discharge of the liability, which payments are designed to discharge the liability within a reasonable period of time considering the amount of the liability.
- (5) ~~The applicant is not in default in the payment of any indebtedness secured by lien, mortgage or any other encumbrance on the vehicle intended to be operated pursuant to the certificate; or, if the vehicle intended to be operated pursuant to the certificate has not yet been purchased, the applicant has demonstrated the financial ability through projected revenues, or otherwise, to make the regularly scheduled payments of any indebtedness arising from any expected liens, mortgages or any other encumbrances, on the said vehicle.~~
- (6) The applicant has demonstrated the ability to purchase insurance as required by this chapter.
- (7) The applicant has demonstrated the ability to place in service within ninety (90) days of the issuance of the certificate a vehicle adequate to provide and maintain the quality of service required by this chapter and meeting all of the requirements of this chapter for a taxicab.
- (8) The applicant has demonstrated the ability to establish within ninety (90) days of the issuance of the certificate, a depot, terminal, or other base of operation for receiving of requests for taxicab service and the dispatching of taxicabs in response to requests for service adequate to provide and maintain the quality of service required by this chapter, and has demonstrated the ability to obtain within ninety (90) days of the issuance of the certificate the necessary recording and office equipment and other necessary equipment and things adequate to provide and maintain the quality of service required by this chapter and sufficient to comply with all of the provisions of this chapter including all the record keeping and reporting provisions.
- (9) The applicant has registered properly with the state the correct and true owner's name of any vehicle intended to be operated pursuant to the certificate.
- (10) There has not been a revocation of any certificate of convenience and necessity previously issued to the applicant within the twelve (12) months preceding application.
- (11) Issuance of the certificate to the applicant will not result in the applicant holding such number of certificates or such percentage of all issued certificates that a pernicious effect on competition will result or that the quality of service to the public sought and required by the provisions of this chapter will be impaired.

The applicant shall provide to the council or its designee any and all facts, evidence, information or documents within the possession or control of the applicant or available to the applicant that shall be reasonably related to the determination of the qualifications of the applicant and as the council or its designee shall request. Further, the submission of the application shall constitute a waiver of all applicant's privileges and rights of privacy with respect to any document in existence reasonably related to the determination of the applicant's qualifications and shall serve as an authorization to the council or its designee to make inquiry of any person or entity, and to receive any oral or written reports from any person or entity, regarding any facts, evidence or information reasonably related to the determination of the applicant's qualifications. The applicant shall sign any separate written authorization that any person or entity shall require prior to the release of any documents or information concerning the applicant.

- (c) The issuance of new certificates of convenience and necessity shall be done semiannually. All of those persons interested in obtaining a certificate of convenience and necessity shall submit an application under section 28-32 the first ten (10) days in January and the first ten (10) days in July. Council or its designee shall review the applicants to determine whether or not the applicants meet the requirements of this chapter by the first council meeting in the month of February and the first council meeting in the month of August. If the council determines an applicant meets the requirements of this chapter, the applicant will be placed on a list in chronological order.
- (d) If the council or its designee finds that one (1) is more qualified than the other applicants after considering the requirements of this chapter, then the applicant who is more qualified shall be

awarded the certificate of convenience and necessity. However, if after reviewing the applications the council or its designee feels that some of the applicants are equally qualified, a list of the equally qualified applicants shall be maintained in prioritized order based upon the date and time of application, and each certificate will be awarded according to the sequence of a certificate of convenience and necessity available semiannually, at the first council meeting in the month of February and the first council meeting in the month of August, respectively. Any certificate of convenience and necessity available shall be awarded according to the priority of the applicant on the list, when council finds the applicants to be equally qualified.

- (e) If any person shall refuse the offer of a certificate of convenience and necessity from the council or fails, refuses, or neglects to furnish such additional service within ninety (90) days after the certificate is offered him, the council or its designee shall withdraw the certificate of convenience and necessity.
- (f) Certificate of convenience and necessity, when granted, shall be issued in the name of the city by the city manager or his designee.

(Code 1961, §§ 20-2, 20-4.1; Ord. No. 88-122, § 1, 9-1-88; Ord. No. 90-54, §§ 2—4, 4-12-90; Ord. No. 00-155, §§ 2, 3, 7-31-00)

#### Sec. 28-35. - Term.

~~Once issued a certificate of convenience and necessity shall remain in full force and effect without reissuance.~~ An existing certificate of convenience shall be renewed 1 time per year, such renewal shall occur on or before the date of the prior year's renewal. There shall be no charge for the annual renewal. Taxicab certificates of convenience and necessity shall not be transferable from one (1) vehicle to another, but upon the acquisition of a replacement vehicle, the certificate for the original vehicle shall be surrendered to the chief of police or designated assistant, and a new certificate shall be issued for the newly acquired vehicle after the vehicle complies with all the requirements of section 20-8.

(Code 1961, § 20-2)

#### Sec. 28-36. - Revocation.

- (a) The ~~city manager~~ chief of police or his designee shall have the right to revoke any certificate of convenience and necessity issued by him upon a finding, after notice, that the owner of such certificate of convenience and necessity is not rendering the public generally regular and proper service, as defined herein, or has violated any of the provisions of this article, or has so conducted himself or his taxicab business that a certificate of convenience and necessity would not have been issued to him pursuant to section 28-32.
- (b) In determining whether the owner of a certificate of convenience and necessity is rendering the public generally regular and proper service, the ~~city manager~~ chief of police or his designee shall consider the following factors: Information provided by the trip sheet records for the taxicab; the odometer mileage of the taxicab; the regularity of taxicab inspection over a period of six (6) consecutive months; compliance in providing the information on a quarterly basis as required by section 28-92; and any other information relevant to the quality of taxicab service being provided by the holder of such certificate.
- (c) In the event the owner/operator is out due to sickness or injury, the six-month period referred to above may be extended until such time as the owner/operator is able to return to work.
- (d) The holder of such revoked certificate of convenience and necessity shall have the right of appeal to the city council; such appeal shall be in the nature of certiorari. Such notice of appeal must be made within ten (10) days from the decision of the ~~city manager~~ chief of police or his designee.
- (e) Vehicle resembling a taxicab. It shall be unlawful for any person to operate a vehicle, which is not a licensed taxicab, with painting or markings that would cause a reasonable person to believe that

such vehicle is a taxicab. A city taxicab that ceases to be authorized as a taxicab shall have its colors and markings removed, changed, or altered so as not to resemble a taxicab before any operation in the city and may not be visible from any public way, until such removal, change, or alteration, is completed.

(Code 1961, § 20-4.2)

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### DIVISION 3. - VEHICLE PERMIT ISSUED BY CITY OF GREENSBORO PRIVILEGE LICENSE OFFICE

Sec. 28-51. - Required.

It shall be unlawful for any holder of a certificate of convenience and necessity to operate or permit to be operated any taxicab upon the streets of the city without first having applied for and received a taxicab vehicle permit from the ~~city manager~~ City of Greensboro Privilege License Office for the operation of each vehicle engaged as such.

(Code 1961, § 20-6)

Sec. 28-52. - Application.

Separate applications must be made for each taxicab vehicle permit on a form approved by the ~~city manager~~ chief of police and requiring substantially the following information:

- (1) The full name and address of owner.
- (2) Full description of the vehicle, make, type, year of manufacture, engine number, color scheme, lettering and marks, and its seating capacity exclusive of the driver.
- (3) The name and address of the firm, if any, from which operated and a statement to the effect that public liability and property damage insurance, as required by this chapter, has been filed with the police chief or his designee.

(Code 1961, § 20-7; Ord. No. 88-122, § 2, 9-1-88)

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Sec. 28-55. - Same—Certificate of inspection; issuance; posting.

If, upon examination of the vehicle for which an application for a taxicab vehicle permit has been made, it is found by the chief of police or his designated assistant to be in proper condition, he shall issue and cause to be affixed to the windshield of the vehicle a certificate of inspection of the sticker type in the form approved by the ~~city manager~~ chief of police. The sticker shall be effective for two (2) months of the calendar year. Before the expiration of such certificate, every taxicab owner shall be sent written notice from the chief of police, or his designated assistant, of the requirements to submit all vehicles operated by the (owner) for reinspection at a designated time and place as provided in section 28-54 and a new inspection certificate shall be issued in accordance with the provisions of this section. No taxicab shall be operated on the streets of the city without displaying an effective certificate of inspection.

(Code 1961, § 20-9)

Secs. 28-56—28-65. - Reserved.

#### DIVISION 4. - DRIVERS' PERMIT

##### Sec. 28-66. - Required.

No person shall drive or operate any taxicab carrying passengers for hire from place to place within the corporate limits, or to points within a radius of five (5) miles thereof, unless that person shall have first applied to the ~~city manager~~ chief of police or his designee and secured the approval of a driver permit to operate a taxicab.

(Code 1961, § 20-33)

**State Law reference**— Authority to require drivers' permit, G.S. § 160A-304(a).

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##### Sec. 28-70. - Issuance standards; hearing, etc., or denial.

- (a) The ~~city manager~~ chief of police or his designee shall approve the application for the permit required by this division unless he finds:
- (1) The applicant has not reached the age of eighteen (18) years or older, or is otherwise not legally emancipated.
  - (2) The applicant had an order entered continuing prayer for judgment, has entered a plea of guilty or no contest, or been convicted of:
    - a. A violation of any federal or state statute relating to prostitution or gambling laws, or the use, possession, or sale of a controlled substance within five (5) years preceding the application;
    - b. A violation of any federal or state statute relating to transporting or selling or possessing intoxicating liquors within five (5) years preceding the application;
    - c. A felony within five (5) years preceding his application;
    - d. Any crime which may reasonably be interpreted as involving moral turpitude or is so offensive to the public morals or of a sexual perversion as to justify the conclusion that the applicant is not of good moral character, including but not limited to those offenses listed in Chapter 14, Article 26 and Article 27 of the North Carolina General Statutes, relating to offenses against public morality and decency and crimes related to prostitution within five (5) years preceding the application.
    - e. A violation of any state statute relating to operating an automobile while under the influence of alcohol or drugs, or when the amount of alcohol in the blood meets or exceeds a specifically prohibited level, or when the operation of a vehicle has been directly and visibly affected by the operator's consumption of alcoholic beverages within five (5) years preceding the application.
  - (3) The applicant is an habitual user of drugs or intoxicating liquors.
  - (4) The applicant is physically or mentally incapable of operating a taxicab or has been treated for any mental disorder, heart ~~attach~~ attack, epilepsy, or diabetes in a six-month period prior to filing his application; provided, any applicant who has been treated for any mental disorder, heart attack, epilepsy, or diabetes shall have a written opinion from a physician or psychiatrist, or both, stating that the applicant is physically capable and mentally competent to operate a taxicab, and that the applicant has been free from such recurrence for the past six (6) months. Such medical statement shall accompany said application.

- (5) The applicant has made a material false statement in the application for a permit knowing it to be false; or has knowingly omitted required information; the applicant shall not be allowed to submit another application for a permit to drive a taxicab for a period of ninety (90) days.
- (b) Upon denial or failure to approve the application, the applicant shall be entitled to a hearing by the city manager or other designated official if within ten (10) days the applicant files a written request for a hearing with the city manager. The hearing shall be held and a decision thereon shall be made within fifteen (15) days after the request, and notice of the decision shall be served upon the applicant in person or by registered mail.

(Code 1961, § 20-36; Ord. No. 90-54, § 5, 4-12-90)

Sec. 28-71. - Temporary driver permit.

The ~~city manager~~ chief of police or his designee may issue a nonrenewable, temporary driver permit to any applicant whose court record, as compiled in the county for the year preceding his application, meets the requirements of section 28-71 of this chapter. This temporary driver permit shall be valid for a maximum of forty-five (45) days from issue or until his driver permit has been issued or denied pursuant to section 28-71, whichever period first expires.

(Code 1961, § 20-35.1)

Sec. 28-72. - Expiration and renewal.

Taxicab driver's ~~or operator's~~ permits shall expire on March 1 of each year. Any persons desiring to renew a driver's ~~or operator's~~ permit shall file a new application at least thirty (30) days prior to the expiration date.

(Code 1961, § 20-34)

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**State Law reference**— Authority to require display, G.S. § 160A-304(a).

Sec. 28-74. - Suspension.

- (a) Except for those violations for which revocation is authorized, the ~~city manager~~ chief of police, or his designee, shall suspend the permit of any person to drive a taxicab upon finding that the permittee has been convicted of, or has entered a plea of guilty or nolo contendere to, a violation of the motor vehicle laws of the state or chapter 16, or violated any of the provisions of this article.
- (b) Upon the first conviction or plea of guilty or nolo contendere, the holder of the permit shall be notified in writing by the taxicab inspector that the same is a matter of permanent record on file in the office of the clerk of court. Upon a second conviction or plea of guilty or nolo contendere within any twelve-month period, the permit shall be suspended for ten (10) days. Upon a third conviction or plea of guilty or nolo contendere within any twelve-month period, the permit shall be suspended for thirty (30) days. For the fourth offense within the same calendar year, the permit shall be revoked.
- (c) Upon suspension, a notice thereof shall be served by registered letter upon the permittee. The permittee shall have to surrender the permit immediately but shall have ten (10) days from the receipt of such notice to request in writing that he have a hearing to determine the basis for the suspension. It shall be unlawful for the person to whom the permit was issued to fail to return the permit to the chief of police. If no hearing is requested, the suspension shall be effective for the



period previously designated by the ~~city manager~~ chief of police or his designee. If a hearing is requested, the city manager or his designee shall hold such hearing and a decision thereon shall be made within ten (10) days thereafter. Notice of the decision shall be served upon the permittee. Upon the effective date of any suspension, the permittee shall immediately return the permit to the taxicab inspector. No hearing shall be held by the city manager or his designee or other designated officials unless within ten (10) days from the time of service of the notice of suspension (exclusive of Saturdays, Sundays, and holidays) the permittee files a written request with the city manager. If a request is filed, the hearing shall be held and decision thereon shall be made within ten (10) days thereafter, and notice of the decision shall be served upon the permittee. At the expiration of the suspension period, the permit shall be returned to the permittee, who shall be entitled to the immediate use thereof.

(Code 1961, §§ 20-38, 20-39)

Sec. 28-75. - Revocation.

- (a) At any time after the issuance of a permit to any person to drive a taxicab, the ~~city manager~~ chief of police or his designee shall revoke the permit:
- (1) If he finds that the person holding the permit has made a material, false statement in the application for the permit, knowing it to be false.
  - (2) If he finds that the person holding the permit is physically or mentally incapable of operating a taxicab in a safe manner; provided, if the person holding the permit has been treated for any mental disorder, heart attack, epilepsy, or diabetes, such person shall submit to the city manager a written opinion from a physician or psychiatrist, or both, stating that the person holding the permit is physically and mentally competent to operate a taxicab and has been free from such recurrence for a period of six (6) months.
  - (3) If he finds that the person holding the permit has been convicted of or has entered a plea of guilty or a plea of nolo contendere to:
    - a. A felony.
    - b. A violation of any federal or state statute relating to the possession or sale of intoxicating liquors.
    - c. A violation of any federal or state statute relating to the use, possession, or sale of controlled substances.
    - d. A violation of any state statute relating to operating an automobile while under the influence of alcohol or drugs, or when the amount of alcohol in the blood meets or exceeds a specifically prohibited level, or when the operation of a vehicle has been directly and visibly affected by the operator's consumption of alcoholic beverages.
    - e. A violation of any state or federal statute relating to prostitution or gambling.
    - f. Any crime which may reasonably be interpreted as involving moral turpitude or is so offensive to the public morals, or of a sexual perversion as to justify the conclusion that the applicant is not of good moral character, including but not limited to those offenses listed in North Carolina General Statutes articles 26 and 27 [G.S. §§ 14-177 et seq., 14-203 et seq.].
    - g. A fourth violation, within any period of twelve (12) months, of the motor vehicle laws of the state, or the traffic ordinances of the city, or any of the provisions of this article.
- (b) When grounds for revocation exist, the taxicab inspector shall by registered letter give notice to the holder of such permit that the permit is revoked and must be immediately surrendered. It shall be unlawful for the person to whom the permit was issued to fail to return same to the chief of police. The holder of such permit will have ten (10) days from the receipt of such notice to request in writing

a hearing with the city manager or his designee, but such permit is revoked pending such appeal. If no hearing is requested within the allotted time, any appeal is considered waived at the expiration of the ten-day period. If such hearing is requested and the revocation is affirmed following the hearing, the holder of such permit has ten (10) days from the termination of the hearing to give written notice of appeal to the city council, but such permit shall be in revocation pending such hearing.

- (c) The council hearing of any appeal shall be in the form of certiorari. If council finds that revocation is justified, holder may not reapply for a taxicab permit for a minimum of six (6) months.

(Code 1961, §§ 20-37, 20-39)

**State Law reference**— Grounds for permit revocation, G.S. § 160A-304(a).

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#### DIVISION 5. - OPERATIONAL RULES AND REGULATIONS

##### Sec. 28-93. - Shared taxicab service.

- (a) In this section "shared taxicab service" means the type of taxicab service which can be used by two (2) or more unassociated passengers at a time and who have either a different origin or a different destination or both and which service is provided at a rate which is less than the rate which would normally be charged to each such person for his individual travel distance. Each passenger shall have his own fare recorded on a shared taxicab meter at the start of his individual trip.
- (b) Shared taxicab service shall only be conducted as provided in this section.
- (c) Any holder of a certificate of convenience and necessity may apply to the ~~city manager~~ chief of police or his designee for a special permit which will authorize said holder to operate a shared taxicab service. Only a holder of such special permit may operate taxicab service pursuant to a shared-ride program. No driver of a taxicab shall carry any other person than the passenger first employing such taxicab without the consent of the passenger.
- (d) Any person making application for the special permit shall present to the ~~city manager~~ chief of police or his designee a detailed program for providing shared taxicab service which shall outline:
  - (1) The fare to be charged each passenger calculated on a schedule of distance traveled.
  - (2) The method for providing notice to each passenger that the rate of travel is at the reduced rate of shared taxicab service.
  - (3) A description of the method for transporting each passenger by the shortest route possible considering different origins and/or destinations.
- (e) The ~~city manager~~ chief of police or his designee shall not issue such special permit unless he finds that the applicant has devised a shared taxicab service program which will result in a passenger being charged a lesser fare than he would have been charged without the shared taxicab service rate.
- (f) Permits issued pursuant to this section shall be valid for the same period of time as the certificate of convenience and necessity.
- (g) The ~~city manager~~ chief of police or his designee shall have the right to revoke any special permit issued by him upon a finding, after notice, that the holder of such special permit is not rendering the public the level of service required by this section. The holder of such revoked special permit shall have the right of appeal. Such appeal shall be in the nature of certiorari. Notice of any appeal must be made within ten (10) days from the decision of the city manager.

(Code 1961, § 20-13)

**State Law reference**— Shared ride services allowed, G.S. § 160A-304(a).

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Sec. 28-96. - Distinctive vehicle color scheme and markings required.

- (a) Subject to the approval of the ~~city manager~~ chief of police or his designee, each taxicab association or firm shall adopt a color scheme or identifying markings for painting or for identifying its taxicabs (distinct from that of any other association or firm) and shall file such identification, identifying design, monogram or other insignia thereof with the chief of police. All additional, new or replacement vehicles put in operation by such association or firm shall comply with the color scheme, or identification design, monogram, or other insignia selected. Whether the vehicles are replaced or not, all taxicabs of each association or firm shall conform to the color scheme, design, monogram, or other insignia chosen and filed. No color scheme, design, monogram or other insignia selected shall be used and shall not be accepted and filed by the chief of police if it in any way infringes upon, or would be confused with the color scheme, design, monogram or insignia of another association or firm previously filed, and no vehicle covered by the terms of this article shall be licensed, nor shall a taxicab vehicle permit be issued therefore whose color scheme, identifying design, monogram, or insignia to be used thereon shall, in the opinion of the city manager, conflict with, imitate, or be confused with any color scheme, identification, design, monogram or insignia on file by an association or firm already operating.
- (b) A name identifying the association or firm, taxicab number and telephone number shall be painted with permanent paint or appear on a permanent decal on both sides and rear of each cab, with letters and numbers four (4) inches high or greater. The taxi cab number must be displayed on all four sides of the vehicle. The cab number on the rear shall be at a location to be designated by the taxicab inspector. There shall be painted on each side of the taxicab in letters and numbers at least three (3) inches high the basic mileage rates. The color to be used for lettering and numbers shall be of sharp contrast to color or surface paint to which this is applied, so as to be easily visible at a reasonable distance, especially at nighttime with street lights. No lettering or numbers shall be acceptable which have been painted upon a sheet of metal or other material which, in turn, can be removed or detached to conceal the identification of the company or taxicab number.

(Code 1961, § 20-19)

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Sec. 28-100. - Vehicle upholstery.

It shall be unlawful for the owner or operator of any motor vehicle operating as a taxicab to operate same upon the streets of the city unless the taxicab ~~is upholstered with leather or plastic fabric~~ upholstery is in good repair.

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Section 2. That all sections not amended herein shall remain in full force and effect.

Section 3. That this ordinance shall become effective upon adoption.