

## **MEMORANDUM**

To: Mayor J.B. Lawrence and Blowing Rock Town Council

From: Kevin Rothrock, Planning Director

Subject: (Ord No. 2013-04) Taxi Cabs

Date: January 2, 2013

Our office has received an inquiry from an individual interested in providing a taxi cab service in Blowing Rock. In response, staff reviewed the current taxi cab regulations in the Town Code and found some minor changes were needed to remain consistent with NC General Statutes. Staff also researched ordinances from Boone, Waynesville, Hendersonville, and Brevard. The attached draft ordinance provides updates to our taxi cab regulations including:

- Operator permits are non-transferrable
- Applicant/driver must be a citizen of the U.S.
- Habitual violators of traffic laws are disqualified
- All vehicles must display signs during operation

If these amendments are approved by Council, we anticipate an application in the next few weeks from a business desiring to provide taxi cab/shuttle service in Blowing Rock. In the attached draft ordinance, amended text is highlighted. The Town Attorney has reviewed the attached ordinance and has verified it is consistent with NC General Statutes.

Also attached is the entire Article V – Taxicabs, which shows the proposed amended ordinance language in context.

**ORDINANCE NO. 2013-04****AN ORDINANCE TO UPDATE THE REQUIREMENTS FOR TAXICAB OPERATIONS**

WHEREAS, the Blowing Rock Town Code contains regulations for the operation of taxicabs; and

WHEREAS, taxicab regulations should be consistent with NC General Statutes.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that:

Section 1. Section 8-42 of the Blowing Rock Town Code is hereby amended and will read as follows:

***“Section 8-42 Operator's Permit.***

(A) No person may operate a motor vehicle as a taxicab without a taxicab operator's permit issued by the police chief in accordance with this section. Operator's permits issued under this article are non-transferrable.

(B) An applicant for a taxicab operator's permit shall be required to furnish to the police chief, on forms prescribed by the town or otherwise, information deemed reasonably necessary by the police chief to determine whether the permit should be issued according to the criteria set forth in subsection (C).

(C) The taxicab operator's permit shall be issued unless the police chief determines that the permit should be refused for one of the following reasons:

(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 use, possession, or sale of intoxicating liquors or narcotic or barbiturate drugs;

(3) Addiction to or habitual use of intoxicating liquors or narcotic or barbiturate drugs;

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

(5) Noncitizenship in the United States; or

(5) (6) Habitual violation of traffic laws or ordinances.”

Section 2. Section 8-44 of the Blowing Rock Town Code is hereby added and will read as follows:

**“Section 8-44 Identification Signs.**

**Every vehicle used for a taxicab or vehicle for hire shall have signs posted at conspicuous places during operation.”**

Section 3. Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end, the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective upon adoption.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
J.B. Lawrence, Mayor

ATTEST: \_\_\_\_\_  
Sharon H. Greene, Town Clerk

## **CHAPTER 8 - TRADES AND BUSINESSES**

### **Subchapter II - Regulation and Licensing of Businesses**

#### **Article V - Taxicabs**

##### ***Section 8-40 Privilege License Required.***

(A) No person may conduct a taxicab business within the town unless and until such person has been issued a privilege license in accordance with this article.

(B) For purposes of this article, a taxicab is defined as a vehicle that transports passengers for hire and has a capacity of not more than nine passengers. A person conducts a taxicab business when he operates one or more taxicabs.

##### ***Section 8-41 Criteria for Privilege License.***

(A) A privilege license for the operation of a taxicab business shall be issued in accordance with the procedures set forth in subchapter I of this chapter and subject to the following:

(1) In accordance with G.S. 20-97, the applicant for such privilege license shall pay the sum of \$15.00 upon each vehicle operated as a taxicab.

(2) The privilege license shall not be issued until the applicant has presented sufficient proof of financial responsibility (i.e., a certificate of liability insurance) as required by G.S. 20-280.

(3) The privilege license shall not be issued until the applicant demonstrates that all drivers of all taxicabs operated by the business have been issued an operator's permit pursuant to Section 8-42.

(B) A privilege license issued under this section may be revoked, in accordance with the procedures specified in subchapter I of this chapter, for any reason that would have justified denial of the license.

##### ***Section 8-42 Operator's Permit.***

(A) No person may operate a motor vehicle as a taxicab without a taxicab operator's permit issued by the police chief in accordance with this section. Operator's permits issued under this article are non-transferrable.

(B) An applicant for a taxicab operator's permit shall be required to furnish to the police chief, on forms prescribed by the town or otherwise, information deemed reasonably necessary by the police chief to determine whether the permit should be issued according to the criteria set forth in subsection (C).

(C) The taxicab operator's permit shall be issued unless the police chief determines that the permit should be refused for one of the following reasons:

(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 use, possession, or sale of intoxicating liquors or narcotic or barbiturate drugs;

(3) Addiction to or habitual use of intoxicating liquors or narcotic or barbiturate drugs;

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

(5) Noncitizenship in the United States; or

(~~5~~ 6) Habitual violation of traffic laws or ordinances.

(D) The taxicab operator's permit may be revoked by the police chief for any reason that would have justified denial of the permit as specified in subsection (C). Before revocation, the police chief shall notify the permit holder of his intent to revoke the permit and the reasons therefore and shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the police chief shall notify the permit holder in writing of his decision and the reasons therefore.

#### ***Section 8-43 Taxicabs to Display Required Information.***

(A) Any person who conducts a taxicab business, as well as the driver of any taxicab, shall be responsible for ensuring that the following items are displayed within the taxi so as to be visible to passengers:

(1) The taxicab operator's permit required by Section 8-42;

(2) A photograph of the driver; and

(3) The schedule of fares

#### **Section 8-44 Identification Signs.**

Every vehicle used for a taxicab or vehicle for hire shall have signs posted at conspicuous places during operation.

*Sections 8-45 Reserved.*