



**AN ORDINANCE TO ADD TO THE CODE OF PINE LEVEL AN  
ARTICLE ENTITLED "TAXICABS"**

**WHEREAS**, the Town Council of the Town of Pine Level heretofore appointed a committee to study the regulations affecting the franchising and operation of taxicabs in the Town of Pine Level; and

**WHEREAS**, said committee has proposed a comprehensive addition to the Pine Level Code as it affects the franchising and operation of taxicabs in the Town of Pine Level; and

**WHEREAS**, said proposal has been presented to the Town Council at its regular meeting on the 14th day of March, 1995.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF PINE LEVEL.**

**SECTION 1. That the Commissioners hereby add to the Town Code entitled  
"Taxicabs".**

**SECTION 2. This ordinance shall become effective immediately upon its adoption.**

**ARTICLE I - TAXICABS DIVISION 1-GENERALLY**

**SECTION 3. Definitions.**

In all matters relating to the administration of this chapter whenever and wherever the following terms are used, they shall include, be construed and defined as follows:

**Cruising.** The term "cruising" means the driving of a taxicab on the streets of the Town in search of, or soliciting prospective passengers for hire.

**Curb taxicab stand telephone.** The term "curb taxicab stand telephone" means all telephone installations serving taxicab operators at designated taxicab stands and located upon or within any street or highway of the town.

**Driver's permit.** The term "driver's permit" means the permit issued after examination, authorizing a person to drive a motor vehicle or taxicab operating under this chapter.

**Franchise.** The term "franchise" means the license issued by the Town Council to a person who owns one or more motor vehicles or taxicabs to be used for hire and transportation. Streets. The term "street" shall mean every street, alley or driveway, whether improved or unimproved, which has been dedicated to the public and is under the charge and control of the Town.

**Vehicle for hire or taxicab.** The term "vehicle for hire" or "taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of not more than nine (9) persons and not operated on a fixed route.

**Waiting time.** The term "waiting time" means the time when a taxicab is not in motion from the time of acceptance of a passenger to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger.

#### **Section 4. Quarterly inspections.**

Four (4) inspections annually, at times to be designated in the discretion of the Chief of Police, shall be made upon all taxicabs. The records of such inspections shall be maintained by the police department.

#### **Section 5. Identification of vehicles.**

It shall be unlawful for any person to operate or cause to be operated within the Town of any vehicle for hire or taxicab carrying passengers for hire from place to place within the Town, unless that person has the correct name of the person owning such vehicle for hire or taxicab, together with the telephone number of every such person owning such vehicle for hire or taxicab, clearly and visibly printed in paint on both sides and the rear of the car in letters at least four (4) inches high.

#### **Section 6. Four doors required.**

All vehicles operated as taxicabs or for-hire vehicles shall have four (4) doors, two (2) leading into the rear seat and two (2) leading into the front seat, so constructed that they may be opened from the inside and the outside. Each door shall be constructed with a double or safety catch.

#### **Section 7. Floor Mats.**

Floor mats, both front and rear, shall be provided of rubber and other nonabsorbent material and shall at all times be removable. No taxicab shall have on the floor thereof any footrest, bracket or other fixture, extending above the top of the floor mat.

#### **Section 8. Cleanliness.**

Every taxicab operated under this chapter shall at all times be kept in a clean and sanitary condition. The violation of this section, after reasonable notice to the operator and an

opportunity duly afforded to comply therewith, shall be grounds for revocation of the franchise.

### **Section 9 . Equipment required-Generally.**

Every taxicab operated in this town shall have the following equipment:

- (a) Standard bumpers, both front and rear.
- (b) A heater with a shut-off appliance thereon, sufficient to heat the interior of the taxicab adequately in cold weather, which shall be maintained in good working order.
- (c) A windshield defroster which shall be maintained in good working order.
- (d) A standard speedometer maintained in good working order and exposed to view. No taxicab shall be operated in a taxicab service while such speedometer is out of repair or disconnected.
- (e) A sticker and the following information shall at all times be posted inside the taxicab, in plain view of the passengers: The name and address of the operator, the rates and fares in effect, and the statement: "The driver shall not permit any other person to occupy or ride in this taxicab without the consent of the original passenger."
- (f) A double windshield wiper, properly installed and maintained in good working order.
- (g) An emergency brake in good working order.

### **Section 10. Same-Lights.**

In addition to the lights required by state law, every taxicab shall be equipped with the following lights:

- (a) A passenger compartment light adequate to illuminate the interior of the passenger compartment with a switch easily accessible to the passenger and the driver.
- (b) Lights which reflect red when brakes are applied, and maintained in good working condition.

### **Section 11. Solicitation, acceptance and discharge of passengers generally.**

No driver shall solicit passengers for a taxicab except when seated in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in a driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is on the business streets, except that, when necessary, a driver may be absent from his taxicab for no more than ten (10) consecutive minutes; and provided further, that nothing herein contained shall be held or prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or

out of such vehicle.

**Section 12. Prohibited solicitation.**

No taxicab driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any person or follow any person for the purpose of soliciting patronage.

**Section 13. Point of receipt, discharge of passengers.**

Drivers of taxicabs shall not receive or discharge passengers in the street, but shall pull off to the right-hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right-hand side of the street and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right or left-hand sidewalk, or side of the street in the absence of sidewalk.

**Section 14. Cruising.**

No taxicab shall cruise in search of passengers.

**Section 15. Record of Dispatchers.**

Every owner and operator, or both, of taxicabs within the Town shall keep a record of all calls received from persons requesting transportation. A complete record of each taxicab must be available for inspection by the Chief of Police before a certificate of convenience and necessity is reissued by the Town.

**Section 16- Compliance with traffic, other laws.**

Each operator and driver of a taxicab shall comply with all provisions of this Code, state law and rules and regulations regulating the operation, stopping, standing and parking of vehicles, the conduct of business and any other applicable provision of law.

**Section 17. Business premises, conduct generally.**

The premises used for the operation of a taxicab business shall be approved by the Town Council for safety and convenience of the public and such location shall not be changed without approval of the Town Council. Every taxicab owner shall maintain at the central station, as above outlined, a telephone which shall be listed in the telephone directory in the name or trade name of the owner, such telephone installation and listing to be made as soon as the telephone company may reasonably install and list same, and failure to have a telephone installed and listed in the directory or to have an application on file with the telephone company for such installation and listing shall constitute a violation of this section.

No person shall install or maintain a curb taxicab stand telephone or operate a CB radio or programmable scanner on the business premises or in a taxicab.

**Section 18. Passenger's exclusive right; accommodations for wheel chairs.**

(a) No driver of a taxicab shall carry any other person than the passenger first employing such taxicab without the consent of such passenger; and it is further provided that share-ride taxi service shall be permitted in accordance with Town Council policies to be determined from time to time.

(b) Taxicab services may include the operation of a van on a demand response basis to be equipped with a time meter and shall be equipped with a wheel chair lift to accommodate wheel chairs and ambulatory passengers.

**Section 19. Transportation of alcoholic beverages.**

It shall be unlawful for alcoholic beverages to be transported in a taxicab unless the same is owned by a fare-paying passenger in the taxicab at the time.

**DIVISION 2. FRANCHISE**

**Section 20 . Required.**

Before any person shall operate a taxicab or motor vehicle for hire on the streets of the Town, he shall obtain a franchise from the Town Council to engage in the business of operating one or more taxicabs, and he shall file a written application for such franchise, and after receiving such franchise shall file an additional application with the Town Council for every additional taxicab or motor vehicle\ proposed to be used in connection with such business.

**Section 21. Time limit for operation.**

Any franchise issued under the provisions of this article shall become null and void if the franchisee does not place in operation within a period of one month the taxicab for which the franchise was obtained; and the franchise issued for any taxicab that is not operated during the period of one month shall become null and void.

**Section 22. Application.**

The application for a franchise required by this article shall be filed with the Town Clerk and shall contain substantially the following information:

- (1) The full name and address of the applicant.
- (2) A list of the cities in which the applicant operates.
- (3) A statement to the effect that the applicant is familiar with the ordinances of the Town relating to liability insurance, driver's regulations, regulation of rates and other matters pertaining to the operation of taxicabs.

(4) A complete list of the applicant's motor equipment showing year, make, model and carrying capacity of each unit and the number units applied for.

(5) A financial statement showing the assets, liabilities and net worth of the applicant.

(6) A statement of proposed fares for the transportation of persons and property.

(7) A statement showing the applicant has made complete arrangements for parking of all motor vehicles.

(8) A statement of the experience of the applicant in conducting a taxicab business.

(9) A full statement of facts which, if supported by substantial testimony at a hearing, will support a finding of public convenience and necessity for the operation of a taxicab.

(10) A complete record of any and all criminal court proceedings in which the applicant has been involved.

Misrepresentation of any material fact by the applicant shall be considered sufficient grounds for refusal of the franchise.

### **Section 23 . Determination of public convenience and necessity before issuance of franchise.**

The Town Council shall determine whether or not a franchise required by this article shall be issued and whether public convenience and necessity require the issuance of such a franchise. In determining whether the public convenience and necessity require the franchise of such taxicab, the Town Council shall, among other things, take into consideration of the following factors:

(1) Whether or not the public convenience and necessity requires such proposed or additional taxicab service within the Town.

(2) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory.

(3) The number and condition of equipment.

(4) The number of taxicabs already in operation and the demand for increased service, if any, and 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 parking of such taxicabs.

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

(6) Such other relative facts as may be deemed necessary and advisable.

#### **Section 24. Limit for one year.**

Every franchise issued under the provisions of this Chapter shall be for a period of one year only and the owner of such franchise must apply for a new franchise as provided herein.

#### **Section 25 . Liability insurance or bond.**

No franchise shall be issued for and no taxicab, or similar vehicle used for hire, shall be operated or used in and upon the streets of the Town for the purpose of carrying passengers for hire, and it shall be unlawful to so operate such taxicab, unless there shall have been filed with the Town Clerk a liability contract of insurance issued to the owner of such taxicab, which shall be in the form of the standard automobile liability insurance policy in customary use and issued by an insurance company licensed to do business in the State naming the Town of Pine Level as an additional insured. Such policy shall secure payment in accordance with the provisions thereof to any person, except employees of the owner, for personal injuries to such persons and for any damage to property, except property owned by, rented to, leased to, in charge of or transported by the owner, other than baggage of passengers, caused by the operation of such taxicab for the following amounts:

(a) In respect to injuries to persons, to the extent of Fifty Thousand Dollars (\$ 50,000.00) for the injury or death of any one person and subject to that limit for each person, and One Hundred ) Thousand Dollars (\$100,000.00) for each accident.

(b) In respect to damage to property, Fifteen Thousand Dollars (\$15,000.00) for each accident.

#### **Section 26. Inspection by Police Department.**

After filing an application for a franchise to operate one or more taxicabs and before the public hearing to be called by the Town Council after receipt of the application, the applicant thereof must submit and present each vehicle for which an application has been made to the Chief of Police, or any member of the Police Department designated by the Chief of Police, or any member of the Police Department designated by the Chief, at a place and time to be fixed by the police officer, for an inspection of the brakes, lights, horn and all other safety features of the vehicle, and for the inspection of the interior of the taxicab with respect to the general condition of the upholstery, rugs or floor covering and the general cleanliness thereof.

#### **Section 27. Transfer.**

No franchise granted by the Town Council under the provisions of this article shall be transferable.

#### **Section 28. Revocation.**

The Town Council shall have the right to revoke any franchise issued under the provisions of this article, either wholly or for any given number of taxicabs, if the licensee:

(a) Is convicted of:

(1) A felony;

(2) A violation of any federal or state statute relating to possession, sale or use of:

(a) Intoxicating liquors,

(b) Lottery tickets, or

(c) Narcotic drugs;

(b) Has been guilty of repeated violations of the traffic laws or ordinances of the Town;

(c) Has become a habitual user of intoxicating liquors or narcotic drugs;

(d) Fails or refuses to keep in actual operation the total number of taxicabs for which he has been granted a license;

(e) Has been guilty of violating any other applicable provision of this Code, state law, rule or regulation.

In the event the operator who holds such franchise is a corporation, association or partnership, the right of revocation of such franchise issued to such corporation, association or partnership shall be retained by the Town Council and the provisions of this section shall apply in equal force if the person in active charge of the management of such corporation, association or partnership shall be guilty of a violation of any of the provisions set forth in this section, when in such violation any property employed by the franchisee in carrying on the business shall be used directly or indirectly by such managing agent or director.

### **Section 29. Appeals.**

If the Town Council shall refuse to grant, renew, or revoke a license to operate a taxicab or taxicab business, the applicant or franchisee, as the case may be, shall have ten (10) days from the date of such action by the Town Council to appeal in the manner hereinafter provided, and, by certiorari to the judge presiding over the superior court in the county, have the action of the Town Council reviewed.

Notice of any such appeal, unless given to the Town Council at the meeting of the Council at which the action complained of was taken, shall be in writing and served upon the Town Clerk within ten ( 10) days from and after the date of the decision announced by the Town Council. Unless such appeal is perfected within such period and in the manner herein provided for, the appeal shall be conclusively presumed to have been withdrawn and abandoned, and the action and decision of the Town Council shall stand as final. In the event such appeal is taken and perfected as herein provided, the rules of procedure governing appeals from the governing body of municipality by certiorari to the judge of the superior



court shall control.

**Section 30 Rights of persons holding a franchise on the effective date of this ordinance:**

All persons holding a franchise to operate one or more taxicabs shall be entitled to continue I under the existing franchise for the number of taxicabs authorized and in operation as of the date of enactment of this ordinance provided they comply with all other provisions of this ordinance within ninety (90) days from enactment of same. Said franchise shall be for a period of one year.

**DIVISION 3-DRIVERS' PERMITS**

**Section 31. Required.**

No person shall drive any taxicab carrying passengers for hire from place to place within the corporate limits unless that person shall have first applied to and secured from the Chief of Police a permit to drive a taxicab.

**Section 32. Application.**

The application for a permit to drive a taxicab shall be made upon a blank furnished by the Town for such purpose, signed and sworn to by the applicant, and shall contain the following information:

- (a) The full name, age and address of the applicant.
- (b) The length of time of his residence in the county and in the state and whether or not he is a citizen of the United States.
- (c) His full personal description, including his height, weight, race, color of eyes, complexion, color of hair, body and facial marks and defects, if any.
- (d) His previous experience in driving taxicabs and for-hire vehicles carrying passengers.
- (e) Whether or not he has been charged with the violation of any federal or state law or municipal ordinance in this state or elsewhere, and full information concerning any and all such charges.
- (f) The number and date of the state driver's license issued to the applicant.

In addition to the other requirements of this section, the applicant shall furnish to the Chief of Police such other relative facts as he may deem necessary and advisable.

**Section 33, Misrepresentation.**

Misrepresentation of material fact by the applicant for a permit required by this article

shall constitute sufficient grounds for the refusal of the permit.

#### **Section 34. Eligibility.**

To be eligible for a permit required by this article, the applicant must be able to read, write and speak the English language, to be physically able to drive a taxicab; and be a person at least eighteen (18) years of age.

#### **Section 35. Fingerprints and photographs.**

The Franchise Owner shall furnish to the Police Department a picture of each driver with a permit.

#### **Section 36. Permit Fees.**

Each original application for a permit to drive a taxicab shall be accompanied by an application fee of Ten Dollars (\$10.00), to be paid to the Treasurer of the Town; provided that an application for renewal of such permit shall require a fee of only Five Dollars (\$5.00). No application for such permit shall be considered by the Chief of Police until the proper fee has been paid and no part of such fee shall be refunded after the application has been filed. An application for a duplicate permit shall require a fee of Five Dollars (\$5.00).

#### **Section 37. Refusal.**

No person shall be granted a driver's permit if he has been convicted of a felony. No person shall be granted a driver's permit if he has been convicted of the violation of any federal or state statute relating to whiskey, narcotic drugs, or lottery tickets, or a violation of any federal or state statute relating to prostitution, within three (3) years prior to the date of the application for such permit. No person shall be granted any permit if he has been found guilty of three (3) violations of the traffic laws of the state or ordinances of the Town within twelve (12) months prior to the date of the application for such permit.

#### **Section 38. Investigation.**

The Chief of Police or a member of the Police Department designated by him is hereby charged with the duty of investigating the facts stated in any application received under this article.

#### **Section 39. Issuance.**

If the Chief of Police finds that the applicant is not prohibited by the provisions of this article from receiving a driver's permit, and that the applicant is a citizen of the United States and is not a habitual violator of traffic laws, or other criminal laws, the Chief of Police shall issue a permit to the applicant to drive a taxicab.

#### **Section 40. Display of permit and photograph.**

The permit issued under this article and a photograph of the applicant shall be

displayed inside the taxicab in a conspicuous manner, so as to be visible to passengers, when such driver is engaged in the operation of a taxicab.

#### **Section 41. Expiration, renewal.**

Every permit issued under this article shall expire one (1) year following the date of issuance, and shall be renewable only in the manner in which the original permit was secured.

#### **Section 42. Nonuse.**

Any permit issued under this article and not used by the holder thereof within a period of six (6); months shall become null and void and the permittee shall not be entitled to a renewal thereof but must secure a new permit in the manner in which the original permit was obtained.

#### **Section 43 . Suspension, revocation generally.**

At any time after the issuance of a permit under the provisions of this article, if the permittee is convicted of any offense which would have rendered such person ineligible to obtain such permit, or of any other applicable provision of this Code, state law, rule or regulation, such permit shall be suspended or revoked from and after the time of such conviction. Upon the revocation of any permit, the driver shall surrender his permit and shall not drive a taxicab within the Town until a new permit is secured in the manner provided by this article.

#### **Section 44. Temporary suspension by Chief of Police.**

Whenever the permittee has violated this article or any Town ordinance, or any State law dealing with the public safety or public morals, the Chief of Police shall have the power and authority to summarily suspend such permit and require the surrender of such permit for a period not to exceed thirty (30) days. Upon a third suspension of such permit, or whenever the Chief of Police shall be of the opinion that the further driving of a taxicab or for-hire vehicle carrying passengers by a permittee is or will be dangerous, or that continuing to drive such a taxicab will be detrimental to public safety, health, morals or welfare, he shall have the power and authority to summarily suspend such permit until the next regular meeting of the Council, at or before which time he shall report his action to the Council for its determination of whether the permit shall or shall not be revoked. In any case, the Chief of Police shall notify the permittee at the time his permit is suspended that the question of revoking such permit will be heard and considered at the next regular meeting of the Council, stating the date and place of such meeting, at which the permittee shall have the right to be heard. Whenever such permit is temporarily suspended by the Chief of Police, the permittee shall immediately deliver to the Chief of Police his permit and his identification card which had heretofore been issued to him by the Chief of Police, and the Chief of Police shall retain the same until the question of revocation has been finally determined. If it is finally determined that the permit should not be revoked, the Chief of Police shall return such permit and identification card to the permittee.

**Section 45. Appeals to Town Council.**

Should any applicant for a permit or renewal thereof be denied said permit or renewal permit or should any permit be suspended or revoked, the applicant may appeal the decision of the Chief of Police to the Town Council. Such appeal shall be heard and determined at the next regular meeting of the Town Council.

**Section 46. Refusal to convey, excessive rates.**

It shall be unlawful for the operator or driver of any taxicab to refuse to convey a passenger at the rate shown on the rate card displayed in the taxicab or to demand a rate in excess of the fare shown on such card.

**Section 47. Failure to pay fare.**

No person except persons entitled to free transportation, shall ride in any taxicab or other public conveyance without paying therefor for fare prescribed or allowed by law.