

CHAPTER 114: TAXICABS

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GENERAL PROVISIONS

§ 114.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. An individual, firm, corporation, partnership and association. The term **PERSON** shall include both singular and plural.

TAXICAB. Any motor vehicle seating nine or fewer passengers, operated upon any street or highway on call or on demand, accepting or soliciting passengers discriminately for hire between such points along streets or highways as may be directed by the passenger so being transported.

('81 Code, §15-1)

§ 114.02 APPLICATION OF CHAPTER TO U-DRIVE-IT CARS.

The provisions of this chapter regulating the operation of taxicabs and taxicab drivers shall be applicable to all u-drive-it cars.

('81 Code, §15-16)

CERTIFICATE OF CONVENIENCE AND NECESSITY

§ 114.10 REQUIRED FOR OPERATION.

It shall be unlawful for any person to operate a taxicab upon and over the streets of the town without having first applied for and secured from the Board of Commissioners a Certificate of Convenience and Necessity as hereinafter set forth.

('81 Code, §15-2) Penalty, see §10.99

§ 114.11 APPLICATION.

Every person desiring to operate a taxicab upon and over the streets of the town shall file, on forms supplied by the Town Manager, an application for Certificate of Convenience and Necessity.

('81 Code, §15-3)

§ 114.12 ROLE OF BOARD OF COMMISSIONERS TO ISSUE CERTIFICATES.

The Board of Commissioners shall have the power and it will be its duty to order certain certificates issued or refuse to issue certain certificates upon such terms and conditions as, in its judgment, the public convenience and necessity may require. The number of such certificates issued shall be so limited as to best serve the public convenience and necessity.

('81 Code, §15-4)

§ 114.13 DURATION OF CERTIFICATE.

A Certificate of Convenience and Necessity shall constitute a franchise from the town for the operation of taxicabs within the town subject to the provisions of this chapter for one year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be

filed annually and hearings conducted as herein provided.
(‘81 Code, §15-5)

§ 114.14 DETERMINATION OF CONVENIENCE AND NECESSITY.

(A) In determining whether the public convenience and necessity require the franchising of a taxicab or taxicabs, the Board of Commissioners shall, among other things, take into consideration the following factors:

(1) Whether or not the public convenience and necessity require 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 schedule of proposed rates, if required by the Board of Commissioners, to be charged;

(5) The number of taxicabs now operated 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 off-street parking of the taxicabs;

(6) The experience of the applicant in the taxicab business; and

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

(B) Before making any decision with respect to the issuance of a Certificate of Convenience and Necessity, the Board of Commissioners or a committee thereof shall make a full and complete investigation of all factors if it so desires, and subpoena witnesses and utilize the services of the Chief of Police or any other officer or employee of the town.
(‘81 Code, §15-6; Am. Ord. 2010-04, passed 02-16-10)

§ 114.15 DISPOSITION OF APPLICATIONS AND REQUESTS FOR HEARING.

(A) *Board of Commissioners to dispose of applications.* Each application for a Certificate of Convenience and Necessity shall be approved, rejected or continued by the Board of Commissioners at its next regular meeting following the date of such application.

(B) *Applicant may request reconsideration at hearing.* An applicant may request a hearing for reconsideration of an application by filing with the Town Manager a notice of request for a hearing within ten days after the regular meeting at which the application was passed upon.

(C) *Board may hold hearing on continued application.* The Board of Commissioners may hold a hearing on a continued application by setting a date and giving the applicant at least ten days notice thereof.

(D) *Notices and time of hearing.* At least ten days prior to the date of any hearing, the Town Manager shall notify the applicant and all persons who, at the time, hold Certificates of Convenience and Necessity for the operation of taxicabs within the town of the date and time for such hearing and the name of the applicant. In addition, the Board of Commissioners shall have the power to have published at least once in a newspaper of general circulation at least ten days before the hearing a notice setting forth the name of the applicant and the date and time of hearing. The cost of such publication is to be paid by the applicant.

('81 Code, §15-7)

§ 114.16 BURDEN OF PROOF TO ESTABLISH EXISTENCE OF PUBLIC CONVENIENCE AND NECESSITY.

The burden of proof shall be upon the applicant for a certificate under this chapter to establish the existence of public convenience and necessity for the operation of the taxicab or taxicabs specified in his application and all other facts required for the granting of a certificate.

('81 Code, §15-8)

§ 114.17 FAILURE TO BEGIN OPERATIONS.

If a Certificate of Convenience and Necessity is granted to an applicant and said applicant shall fail in accordance with the provisions of the certificate to begin operations within 60 days after the date of said certificate, the certificate shall become null and void and no refund of any amount paid by the applicant will be made by the town.

('81 Code, §15-9)

§ 114.18 TRANSFER OF CERTIFICATE.

A certificate is not transferable without the consent and approval of the Board of Commissioners. Applications for a permit to transfer shall be filed in the same manner as an application for a Certificate of Convenience and Necessity. The proceedings upon each application for a 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 proved. No certificate will be issued to any applicant unless such applicant be the holder in due course and for the value of the title to such taxicab, and the holder of such certificate only shall be permitted to operate such taxicab and such applicant shall not be allowed to engage the services of any person to operate his taxicab for him or in his stead at any time.

('81 Code, §15-10)

§ 114.19 REVOCATION OF CERTIFICATE.

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

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

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

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

(4) Failure to pay the town taxes or license fees of \$15 imposed upon such taxicabs.

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

(6) Failure to report accidents.

(7) Willful failure to comply with any provision of this chapter or ordinances or state laws relating to the operation of taxicabs, whether such ordinances and laws are now in force or hereafter enacted into ordinances and into laws.

(B) No certificate shall be revoked until the owner has had at least five days' notice by personal service or registered 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 herein, the Board shall have the power to revoke the certificate or to condition a revocation upon compliance of its order within any time fixed by it.

('81 Code, §15-11)

§ 114.20 SUBSTITUTION OF VEHICLES.

The person to whom a Certificate of Convenience and Necessity has been issued may, by proper endorsement thereon by the Town Manager, substitute another vehicle, or other vehicles, for the vehicle or vehicles for which the certificate was granted. In such instance, the liability insurance or bonds also shall be transferred to such substitute vehicle or vehicles.

('81 Code, §15-12)

§ 114.21 LIMITATIONS OF ISSUANCE OF MULTIPLE CERTIFICATES.

The Board of Commissioners reserves the right to issue only one Certificate of Convenience and Necessity to any one person and the person holding each certificate shall be required to operate his taxicab himself and shall have no power or authority by virtue of his certificate to delegate the operation of such taxicab to any other person.

('81 Code, §15-13)

TAXICAB DRIVERS

§ 114.30 PERMIT REQUIRED FOR DRIVER.

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

('81 Code, §15-14(a)) Penalty, see §10.99

§ 114.31 APPLICATION FOR PERMIT.

The application required of applicants to drive a taxicab shall be made upon blanks finished by the town for such purpose and shall, among other things, state the name, address, physical description, former employers, court record and state chauffeur's license number.

('81 Code, §15-14(b))

§ 114.32 GRANTING PERMIT.

The Town Manager, with the approval of the Board of Commissioners, may grant a permit to an applicant upon satisfactory evidence of the good character and integrity of the applicant.

('81 Code, §15-14(c))

§ 114.33 REVOCATION OF PERMIT.

At any time after the issuance of a permit to any person to drive a taxicab, the Board of Commissioners may revoke said permit if the person holding such permit is convicted of a felony; a violation of any federal or state law relating to the use, possession or sale of intoxicating liquors; a violation of any federal or state statute relating to the use, possession or sale of narcotic drugs; repeated violations of traffic laws or ordinances; a violation of any state or federal statute relating to prostitution; or becomes a habitual user of intoxicating liquors or narcotic drugs.

('81 Code, § 15-14(d); Am. Ord. 2007-30, passed 12-18-07)

CONDITIONS OF OPERATION

§ 114.40 *Repealed.*

('81 Code, § 15-15; repealed by Ord. 2007-30, passed 12-18-07)

§ 114.41 *Repealed.*

('81 Code, § 15-17; Am. Ord. 1990-1, passed 1-8-90; Am. Ord. 2007-30, passed 12-18-07; repealed by Ord. 2008-21, passed 9-16-08)