

## CHAPTER 1: VEHICLES FOR HIRE

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**Editor's note:**

*Ord. No. 97-44, adopted Apr. 21, 1997, has been codified herein as Ch. 1, §§ 11-1-1, 11-1-2, 11-1-11—11-1-16, 11-1-31—11-1-45, 11-1-61—11-1-83 and 11-1-90—11-1-93, superseding Ch. 1, §§ 11-1-1, 11-1-2, 11-1-11—11-1-16, 11-1-31—11-1-47, 11-1-61—11-1-67, 11-1-81—11-1-83 and 11-1-90—11-1-93. Former Ch. 1 pertained to similar subject matter as derived from the Code of 1971, §§ 15-1—15-4, 15-6, 15-7, 15-11, 15-12, 15-14—15-17, 15-19.1, 15-20—15-30; Ord. No. 774, adopted Jan. 12, 1978; Ord. No. 820, adopted Nov. 9, 1978; Ord. No. 868, adopted June 14, 1979; Ord. No. 1073, adopted Mar. 12, 1981; Ord. No. 1430, adopted Aug. 9, 1984; Ord. No. 1502, adopted June 6, 1985; Ord. No. 1748, adopted Aug. 13, 1987; and Ord. No. 2646, adopted June 10, 1993.*

**Statutory reference:**

*Licensing and regulation of vehicles for hire, see G.S. 160A-304*

**ARTICLE A. GENERAL PROVISIONS****SEC. 11-1-1 DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Call or demand.* transportation arrangements made indiscriminately and instantaneously with a request for service which shall include, but not limited to, the hailing of a taxicab or pedicab made from a public street location, airport terminal roadway, or public vehicular area as the pickup. No vehicle for hire other than a taxicab or pedicab shall engage in cruising or be operated on "call or demand".

*Certificate.* A certificate of public convenience and necessity which has been issued to a holder in accordance with the provisions of this chapter, unless otherwise defined herein.

*Chief of Police.* Chief of police or designee.

*Contract vehicle.* Any passenger vehicle for hire that provides contract transportation to passengers for compensation by written prearrangement with a business, facility, institution or group. The “contract vehicle” for hire does not accept other passengers indiscriminately between points along streets, roads and highways and does not accept compensation from any passenger. No “contract vehicle” shall engage in cruising or be operated on call or demand.

*Cruising.* The operation of a vehicle on the streets of the city in search of or soliciting prospective passengers for hire. No passenger vehicle for hire, other than a taxicab or pedi-cab, shall engage in cruising or be operated on call or demand.

*Driver’s permit.* The license issued to any person to enable that person to operate a taxicab vehicle upon the streets of the City of Greenville.

*Exclusive-ride service.* The operation of a taxicab by transporting one passenger, or a group of passengers, from one trip origin to one destination and not allowing additional passengers to board until the prescribed destination is reached.

*For-hire vehicle.* Any motor vehicle or non-motorized vehicle including, but not limited to, full sized station wagon, transport vehicle, handicap accessible transport vehicle or van style vehicle, used for the purpose of transporting passengers for a set charge or fee, based upon the origin or destination requested. For-hire vehicle services shall be prearranged and not on demand. For purposes of this chapter, “for-hire vehicles” also shall include such vehicles that accept donations and do not have a set rate charge. For the purpose of this chapter, the term “for-hire vehicle” shall not include “medical transport” or “private ambulance” as herein defined. For the purposes of this chapter, all “for-hire vehicles” shall be required to possess a privilege license.

*Holder.* An individual(s), trustee, fiduciary, corporation, partnership, or other entity to whom a certificate of public convenience and necessity has been issued in accordance with the provisions of this chapter, unless otherwise defined herein.

*Limousine.* Any motor vehicle that meets the manufacturer’s specifications for a luxury limousine and that provides limousine service as defined in this section. Every “limousine” shall have a minimum of four seats or one continuous sofa-styled seating area located behind the operator of the vehicle. No “limousine” shall engage in cruising or be operated on call or demand.

*Limousine company.* Any passenger vehicle for hire company issued a company operating certificate that engages in the business of operating limousines or providing limousine service as an owner or franchisor.

*Limousine sedan.* Those vehicles that provide executive transportation services and are necessarily limited to full-sized luxury sedans.

*Limousine service.* The service regularly rendered to the public, not over fixed routes, which furnishes transportation by limousines for hire, based on a fee determined by increments of time and contracted for by telephone or other prearrangement with a limousine company.

*Manifest.* A daily record, prepared by the owner, of all trips made by the taxicab(s) which the owner operates, showing time and place of origin and destination of each trip and the amount of fare.

*Medical transport or private ambulance.* Those vehicles designed to carry medical patients requiring special medical equipment including but not limited to oxygen, intravenous systems or ventilators, stretcher or bed bound patients, using trained emergency medical technicians or paramedics to transport and care for those in their care and licensed by the North Carolina Department of Health and Human Services pursuant to G.S. Ch. 131E, Art. 7.

*Owner/holder.* Any person, firm or corporation to whom a certificate of public convenience and necessity has been issued under this chapter.

*Pedi-cab.* Any business or individual who operates a small-scale local means of transport that is human powered but also may be powered in whole or part by an electric or small gasoline motor.

*Privilege license.* The business license required and issued to all businesses that operate within the City of Greenville.

*Shared-ride service.* The operation of a taxicab by transporting passengers from one or several different origins to one or several different destinations, not necessarily using the most direct route, but using a route that will allow the driver to deviate in order to pick up or discharge passengers other than, and in addition to, the first or original passenger.

*Shuttle van.* Any passenger vehicle for hire that provides shuttle transportation to passengers to or from prescribed locations such as hotels, motels, shopping centers, schools to after school daycare, business or commercial buildings, stadiums, convention center or theaters by prearrangement for a fee, pursuant to a contract or agreement, and that does not accept or discharge passengers indiscriminately between prescribed locations. No "shuttle van" shall engage in cruising or be operated on call or demand. Shuttle service charges may not be collected from the passenger.

*Taxicab.* Includes any motor driven vehicle, seating nine or fewer passengers, for which public patronage is solicited and which calculates the fare by means of the schedule of fares as approved by the City Council. For the purposes of this chapter, the term "taxicab" shall not include "limousine" or "for-hire vehicle" but shall include pedi-cab as herein defined.

*Taxicab inspector.* The person designated by the Chief of Police or designee who is charged with the duties required under this chapter, including the inspection and licensing of taxicabs and the drivers thereof.

*Taxi stand.* Such places and locations as designated by the City Manager, Director of Public Works and Chief of Police or their designees as locations where only taxicabs or pedi-cabs may stand or park awaiting passengers on demand for pickup or discharge.

*Taxi Fare Service Zones.* The map used to reflect the zones in which the corporate limits of the City of Greenville is divided and shall designate the applicable rate for each zone and as set out in the *Manual of Fees* for the City of Greenville.

*Taxi service or limousine service.* The holder of one of the certificates of public convenience and necessity issued under this chapter.

*Tobacco, tobacco products.* Cigarettes, pipes, cigars, smokeless tobacco, snuff, and chewing tobacco.

*Transport services.* Contract vehicles for hire, vehicles for hire that carry 15 passengers or less, or for-hire vehicles that carry persons with disabilities exclusively. "Transport services" do not accept passengers indiscriminately between points along streets, roads and highways and do not accept compensation directly from any passenger. Unless under written contract or agreement with a restaurant, club or other business, no "transport service" may wait outside a business to pick up passengers on a for-hire basis or donation basis. No contract vehicle shall engage in cruising or be operated on call or demand.

*Wait or waiting time.* The period of time consumed when a taxicab is not in motion at the direction of a passenger from the time of acceptance of a passenger to the time of discharge and also the time consumed while a driver is waiting for a passenger after having responded to a call; however, "wait" or "waiting time" shall not include and may not be charged for:

- (1) The time consumed by a premature response;
- (2) The first three minutes following the timely arrival in response to a call;
- (3) The delay caused by traffic interruption, traffic lights, accidents, railroad train crossing;
- (4) The inefficiency of the driver; and/or

(5) Any other cause other than at the request, act, or fault of the passenger.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-2 INSURANCE.**

(A) *Liability insurance policy prerequisite to operation.* The owners or operators of any and all taxicabs, limousines, contract vehicles, transport services or other vehicles for hire and used for the transportation of passengers for remuneration, and operating within the corporate limits of the city or within five miles in each direction from the corporate limits, shall, before engaging in such business, procure liability insurance in a minimum amount of \$100,000 for one person and \$300,000 for more than one person for the protection of all passengers transported against personal injuries and \$50,000 property damage, against liability for damages to the person and property of others. No person shall operate or cause to be operated any passenger vehicle for hire over the streets of the city or between the city and points not incorporated within a radius of five miles of the city, without first furnishing proof of financial responsibility. It shall be unlawful for any person to violate any provision of this section.

(B) *Proof of financial responsibility.* The operator and driver of every taxicab, limousine, contract vehicle, transport service and vehicle for hire shall furnish and keep in effect for each vehicle operated under this chapter proof of financial responsibility. The insurance policy shall contain a clause obligating the insurance company to give 15 days' written notice to the Chief of Police prior to the cancellation of such insurance. The certificate of convenience and necessity for any taxicab, limousine, and the privilege license for any contract vehicle, transport service and vehicle for hire shall be automatically revoked upon the lapse, cancellation or termination of the insurance on that vehicle unless the same has been renewed or replaced and a new certificate filed with the Chief of Police. The operator shall also furnish proof of payment of the City of Greenville's privilege license.

(C) *Filing of policies of insurance.* The certificate or privilege license holder shall file with the Chief of Police a copy of the insurance policy insuring the liability of the vehicle, as a condition precedent to the operation of any taxicab, limousine, contract vehicle, transport service or vehicle for hire on the city streets. The policy filed shall, among other things, set forth a description of every vehicle operating under the terms of such policy.

(D) *Contents of policy.* Such liability policy shall contain a further provision that the insolvency or bankruptcy of the person insured shall not release the insurance company from payment of damages for injuries sustained, or death by wrongful act, or loss incurred, and in case of recovery against the insured on account of any such injury, death or loss that the insurance company will pay on account of the judgment recovered in any such action an amount equal to, but not exceeding, the amount of the policy or of the judgment, and that the policy may be sued upon at any time.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-3 FAILURE TO PAY FARE.**

It shall be unlawful for any person to retain the services of the operator or driver of a taxicab, licensed under this chapter or any other provision of the Greenville Code regulating taxicabs or limousines to transport passengers for hire, for the purpose of transporting such person from one place to any other place, and to fail to pay such operator or driver the regular transportation fare upon reaching his destination, provided that there was no agreement that the fare should be paid at some later date.

(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-4 APPLICATION OF PROVISIONS TO FOR-HIRE VEHICLES.**

Unless otherwise provided, all provisions of this chapter shall apply to for-hire vehicles and the owners and operators thereof.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-5 DESIGNATION OF A TAXICAB INSPECTOR.**

The Chief of Police shall designate one or more taxicab inspectors from within the Police Department who shall be responsible for the inspection of taxicabs, limousines, contract carriers and all other for-hire vehicles and the administration of this chapter. The taxicab inspector may be a civilian or sworn law enforcement employee of the Police Department. Enforcement of this chapter shall be the responsibility of the taxicab inspectors and any city police officer. A taxicab inspector or sworn law enforcement officer is hereby given authority to issue a civil penalty for violations of this chapter. (Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-6 TAXI STANDS.**

(A) The City Manager, Director of Public Works and Chief of Police or their designees may elect to establish taxi stands. If such taxi stands are established, they shall be established jointly by these individuals or their designees.

(B) Taxis including pedi-cabs shall enter the designated taxi stands from the rear only, and each taxi must be headed in the direction of the exit. No taxi shall stop at a taxi stand unless there is a vacancy therein. Taxis shall exit taxi stands in the order in which they enter. Drivers shall remain in their taxis or within the taxi stand so that normal operations of the taxi stand are maintained. Taxi drivers may leave the taxi stand only in an emergency or to assist passengers.

(C) No vehicle for hire may use a taxi stand except taxicabs and pedi-cabs.

(D) If taxi stands are established, a list shall be maintained by the taxi inspector, placed on the city website or at such other places as determined by the Chief of Police or designee. Such lists shall be open for inspection. (Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-7 PASSENGERS WITH DISABILITIES.**

(A) All taxis, limousines, transports and other vehicles for hire shall be required to comply with the Americans With Disabilities Act of 1990 and the Americans With Disabilities Amendment Act of 2008 and any subsequent changes and amendments including implementing regulations. For purpose of compliance with this section, vehicle for hire includes but is not limited to taxis, limousines, transports, contract vehicles and other vehicles for hire that provide transportation services to persons with a disability. No vehicle for hire operator may deny service to a customer with a disability solely because of the disability. If a person with a disability uses a powered or rigid frame wheelchair or mobility device, accessible vehicles with a power lift are required. If the vehicle for hire is not equipped with a power lift, the vehicle for hire operator will assist the passenger with obtaining a vehicle for hire that has such capability. Collapsible mobility devices may be placed in the trunk of the vehicle for hire.

(B) Vehicle for hire operators may not charge persons with disabilities extra fees, higher rates or costs for necessary assistance. If the vehicle for hire has a charge for placing a piece of luggage in the trunk of the vehicle for hire, the passenger with a disability who uses a wheelchair or other mobility device shall not be charged a fee for storage of the wheelchair or mobility device in the trunk of the vehicle for hire, greater than the fee charged for a piece of luggage.

(C) The vehicle for hire operator will inquire of the passenger with a disability what assistance the passenger may need or specific instructions that may be requested. The vehicle for hire operator is not required to actually lift the passenger from the wheelchair or mobility device and place the passenger within the vehicle.

(D) Vehicle for hire operators must permit passengers with a disability who use service animals to ride in the customer compartment of the vehicle for hire. The passenger must stay with the service animal at all times and is responsible for the animal's conduct. If the service animal becomes unruly, begins to bark or snap, the vehicle operator may request the passenger with the disability to exit the vehicle with the service animal. (Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-8 TAXICAB SIGNS.**

All taxicabs operating under this chapter shall have on the side of the door of each taxicab in letters the name of the taxicab company and telephone number of the taxicab dispatcher for the company and any other information as directed by this chapter. The letters shall be of uniform size, color and shape not less than three and one-half inches in height. No metallic or other sign may be affixed to the door of the taxicab in lieu of the required information in this paragraph. (Ord. No. 11-069, § 1, passed 11-17-2011)

***ARTICLE B. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY*****SEC. 11-1-12 REQUIRED.**

It shall be unlawful for any person to operate a taxicab or limousine upon and over the streets of the city without having first applied for and secured from the Chief of Police a certificate of public convenience and necessity in accordance with the provisions of this article or to be a designated driver under the holder of a certificate as provided elsewhere in this chapter. (Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-13 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; RENEWAL.**

(A) A certificate of public convenience and necessity shall constitute an authorization from the city for the operation of taxicabs or limousines within the city limits subject to the provisions of this article for three years, unless a shorter period of time is specified in the certificate. Applications for renewals shall be filed either by the tenth day of January unless such day falls on a weekend day and if so, then on the next business day that the City of Greenville is open for business, for those certificates expiring during the period from February 1 through July 31 or by the tenth day of July unless such day falls on a weekend day and if so, then on the next business day that the City of Greenville is open for business, for those certificates expiring during the period from August 1 through January 31.

(B) The Chief of Police shall review in January and then again in July the conduct of the holder with regard to his or her compliance with the provisions of section 11-1-21. Thereafter, if the Chief of Police believes there are grounds for the revocation of the certificate, he or she shall forward his or her recommendations in writing, with supporting documentation and findings, to the City Council for consideration and decision in accordance with this chapter.

(C) The City Council has not established a maximum number of franchises or maximum number of taxicabs that may operate under each franchise. Each applicant for franchise has the burden of establishing the need for an additional franchise and the proposed number of taxicabs plans to operate, the financial ability to operate and comply with the requirements of this ordinance; and the specific skills or talents offers to enhance the professional image of a taxicab owner and operator. The City Council reserves the right to establish a maximum number of franchises and a maximum number of taxicabs that may operate under each franchise including the establishment of procedures to implement the maximum authorized number, to grandfather existing businesses and select new franchise applicants to fill vacancies.

(D) A franchise issued under this article is not transferable. However, the assignment of a taxi certificate under a "family business" request to assign a certificate from one family member to another immediate family member may be considered. Application for a permit to transfer shall be filed in the same manner as an application for a franchise. The proceedings upon the application for a transfer shall be the same as those described for the issuance of a franchise. (Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-14 APPLICATION.**

(A) An application for a taxicab or limousine certificate, including any amendments thereto and including applications for transfer of certificates, shall be filed with the taxicab inspector upon forms provided by the taxicab inspector and a filing

fee as established in the *Manual of Fees*. Such application and amendments shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant, and if an applicant is:
  - (a) A corporation, a certified copy of the articles of incorporation;
  - (b) An association, a certified copy of the bylaws of the association; or
  - (c) A partnership, a certified copy of the partnership agreement.
- (2) The number of vehicles to be owned, operated and controlled by the applicant, including the make, type, year of manufacture, serial number and passenger capacity of each taxicab or limousine, provided however, the number of vehicles to be owned, operated and controlled shall not be less than three. The applicant also shall provide the name and completed application for each person designated to drive under the applicant's certificate of public convenience and necessity. This vehicle number requirement shall not apply to existing certificate holders on the effective date of the ordinance from which this section derives.
- (3) The proposed hours of operation.
- (4) The applicant's complete record of criminal arrests and convictions, including those for traffic violations, during the past five years. If an applicant is a corporation, association or partnership, the criminal record of the officers, directors, partners and supervising employees thereof, including general manager, if any.
- (5) The experience of the applicant in the transportation of passengers for hire.
- (6) The location of a depot or terminal on private property that is in compliance with city zoning ordinance and which has sufficient private off-street parking to accommodate those vehicles to be owned, operated and controlled by the applicant during times of nonuse.
- (7) The ability to provide dispatch taxi service with centralized dispatching through the use of a radio; the ability to provide 24-hour dispatch taxi service with centralized dispatching when the requested number of taxicabs is to exceed ten.
- (8) The ability to provide adequate supervision of taxicabs or limousines and drivers operating under the certificate.
- (9) An assurance that the telephone number of the taxicab or limousine company will be listed in the next city telephone directory issued.
- (10) An assurance that the applicant will meet the insurance requirements of this chapter.
- (11) An assurance that each vehicle operating under the certificate shall be kept clean and in good mechanical condition and in good physical condition at all times.
- (12) A criminal background records check of the applicant(s) and all proposed drivers. The applicant(s) and drivers shall report to the taxicab inspector for fingerprinting.

(B) Failure to furnish required or requested information shall be grounds for denial, revocation or suspension of certificates.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-15 ISSUANCE STANDARDS AND PROCEDURES.**

(A) In determining whether public convenience and necessity require the operation of a taxicab or taxicabs or limousines and in issuing certificates for which applications are made, the Chief of Police shall consider in addition to the information set forth in the applications:

- (1) The financial responsibility, experience and quality of service being rendered, if any, by each applicant.
- (2) The ability to provide continuity of service regarding certificates surrendered by associates of applicant.
- (3) The number, kind and type of equipment.
- (4) The ability of each applicant to provide an efficient level of service.
- (5) Any other considerations that will tend to improve taxicab service in the city.

(B) The Chief of Police shall not issue a certificate of public convenience and necessity to any applicant unless the Chief of Police 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, and the applicant has been determined to meet the following requirements:

- (1) The applicant is at least 18 years of age or is otherwise legally emancipated;
- (2) The applicant is not a habitual user of drugs or intoxicating liquors;
- (3) There are no unpaid judgments of record against the applicant; or, if unpaid 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;
- (4) 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;
- (5) The applicant has demonstrated the ability to purchase insurance within 60 days as required by this chapter;
- (6) The applicant has demonstrated the ability to place in service within 60 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 or limousine;
- (7) The applicant has demonstrated the ability to establish within 60 days of the issuance of the certificate, a depot, terminal, or other base of operation for receiving of requests for service and the dispatching of vehicles 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 60 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;
- (8) 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;
- (9) There has not been a revocation of any certificate of public convenience and necessity previously issued to the applicant within the 12 months preceding application;

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- (10) 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;
- (11) The applicant is a legal resident of the United States;
- (12) The applicant is not addicted to or does not habitually use any alcoholic beverage as defined by G.S. Ch. 18 or use of any controlled substances as defined by G.S. Ch. 90 not therapeutically prescribed;
- (13) The applicant has not been involved in repeated and persistent acts impugning his or her truthfulness or veracity, including, but not limited to, fraud or deception; and
- (14) The applicant has not entered a plea of guilty or no contest to nor has been convicted of:
  - (a) A felony against the state or conviction of any offense against another state, which would have been a felony if committed in this state. This section shall not apply to felony convictions (as defined herein) which occurred ten years from the date of the application;
  - (b) Violation of any federal or state law relating to the use, possession or sale of any alcoholic beverage as defined by G.S. Ch. 18 or any controlled substance as defined by G.S. Ch. 90;
  - (c) Any federal or state law relating to prostitution or gambling;
  - (d) Three convictions including any action which results in a prayer for judgment or continuation of the judgment within a one-year period of time, of any city, county or state traffic or safety ordinance or law. For purposes of this subsection, a conviction is a violation. Violations resulting in not guilty verdicts are not counted for purposes of this section;
  - (e) A single city, county, or state traffic or safety ordinance or law that grossly endangers the lives of the driver, his passenger(s), or the community;
  - (f) Any crime involving the use of a weapon of any type;
  - (g) Any charge alleging assault, domestic violence; or
  - (h) 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 G.S. Ch. 14, Art. 26 and 27, relating to offenses against public morality and decency and crimes related to prostitution within ten years preceding the application.

(C) If the applicant, whether initial or for renewal, shall refuse to submit to a controlled substance test or if the applicant's controlled substance test result reveals a positive level for any of the controlled substances listed in sections 90-89 through 90-94 of the North Carolina Controlled Substances Act, the application for permit or renewal shall be denied. If the applicant, whether for initial permit or for renewal, is denied a permit as a result of a positive controlled substance test, the driver may not operate a vehicle for hire until a permit is issued and must wait six months from the date of the denial before re-applying for a permit. Any re-application shall be treated for fee purposes as an initial application.

(D) The applicant shall provide to the Chief of Police or 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 Chief of Police 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 Chief of Police or 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.

(E) The issuance of certificates of convenience and necessity shall be done semiannually. All of those persons interested in obtaining a certificate of public convenience and necessity shall submit an application during the first ten days in January and the first ten days in July. The Chief of Police or designee shall review the applications to determine whether or not the applicants meet the requirements of this chapter by February 15 and August 15. If the Chief of Police determines an applicant meets the requirements of this chapter, the applicant will be placed on a list in chronological order.

(F) If the Chief of Police finds that one applicant 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 public convenience and necessity. However, if after reviewing the applications, the Chief of Police or 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 die date and time of application, and each certificate will be awarded according to the sequence of a certificate of public convenience and necessity available semiannually. Any certificate of public convenience and necessity available shall be awarded according to the priority of the applicant on the list, when the Chief of Police finds the applicants to be equally qualified.

(G) If any person shall refuse the offer of a certificate of public convenience and necessity or fails, refuses, or neglects to furnish such service within 60 days after the certificate is offered him or her, the Chief of Police shall withdraw the certificate of public convenience and necessity.

(H) No taxicab or limousine may be operated by any person, owner, or holder of a certificate until all inspections, proof of insurance and other requirements of this chapter are completed. If any person, owner or holder of such certificate fails to comply with the requirements of this chapter within 60 days of award of the certificate of public convenience and necessity, then certificate shall be revoked immediately.

(I) A certificate of public convenience and necessity, when granted, shall be issued in the name of the city by the Chief of Police.

(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-16 BURDEN OF PROOF TO BE UPON THE APPLICANT.**

The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of a taxicab or limousine business as specified in this application, and all other facts required for the granting of such certificate.

(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-17 APPEALS OF DENIALS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.**

(A) An applicant may appeal the denial of an application for a taxicab or limousine franchise certificate of public convenience and necessity by the Chief of Police or designee. Such appeal will be to the City Council, be in writing and state the specific reason(s) for the appeal. The appeal must be received in the office of the city clerk within ten business days after the date of the denial. The applicant must include the reason for the appeal, any documents, the names and addresses of any person(s) that the applicant contends or asserts are sufficient to support the appeal and reverse the decision to deny.

(B) If a timely notice of appeal and the required submissions stated in (A) above are received, a public hearing on the denial and issue(s) raised in the appeal will be held before the City Council within 30 days of the receipt of the appeal.

(C) Any request to continue the hearing must be submitted to the city clerk, and a decision to approve or deny the request will be made by the city clerk.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-18 EXPIRATION OR CESSATION OF OPERATION; DEATH OF FRANCHISEE.**

(A) If a holder shall for any period of time, in excess of 60 days, fail to operate such franchise, that holder shall offer in writing to the Chief of Police an explanation for such failure to so operate. If such explanation fails to satisfy the Chief of Police of its reasonableness, the Chief of Police shall notify the City Council and the council may, after a hearing, revoke the certificate or condition a revocation upon compliance with any reasonable order in relation thereto it deems advisable.

(B) Upon the death of a holder, the certificate of public convenience and necessity shall continue in effect for a period of 60 days, provided that a responsible person, as approved by the Chief of Police, shall be placed in charge of the taxicab or limousine operation. At the expiration of the 60 days, such certificate shall become null and void.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-19 TRANSFER.**

A certificate of public convenience and necessity under this article is not transferable without the consent of the Chief of Police. Applications for a transfer of such a certificate shall be filed in the same manner as an application for a certificate of public convenience and necessity. The proceedings upon such application for a transfer shall be the same as those described for the issuance of a certificate, except that the question of public convenience and necessity need not be proved.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-20 SUBSTITUTION OF VEHICLES.**

A holder, by appropriate endorsement on the certificate by the Chief of Police, may substitute another vehicle for the vehicle for which the certificate was granted. Before any such vehicle may be approved as a substitute vehicle, it shall first meet the inspection requirements and any other inspection required by the state. In such instance, the liability insurance or bonds shall also be transferred to such substitute vehicle.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-21 REVOCATION.**

(A) The Chief of Police may, at any time after a hearing, revoke any certificate of public convenience and necessity issued by authority of this article for any one or more of the following causes:

- (1) Failure to operate the taxicabs or limousines specified in the certificate issued to the holder in accordance with this article; or operating taxicabs or limousines other than those specified on the certificate;
- (2) Failure to maintain motor equipment in good repair, in accordance with the requirements of this article and/or state law;
- (3) Failure to carry liability insurance or bond as is required by this chapter;
- (4) Failure to pay to the city taxes or license fees levied or imposed upon such taxicabs or limousines;
- (5) More than three violations in a calendar year, not necessarily resulting in convictions, by the holder's drivers of city, county or state traffic and safety ordinances or laws, or state laws relating to alcoholic beverages or prostitution;
- (6) Failure to report accidents as required by G.S. Ch. 20;
- (7) Repeated and persistent acts by one or more of the holder or holder's drivers impugning their truthfulness or veracity, including but not limited to acts of fraud and deception;

- (8) Willful failure to comply with any provision of this chapter or other ordinances or state laws relating to the operation of taxicabs or limousines; or
- (9) Any charge alleging assault or domestic violence.

(B) No certificate shall be revoked until the holder has had at least ten days' notice by personal service or registered mail of the charges against him and of the time and place of hearing.

(C) Any holder of a certificate of public convenience and necessity that is revoked may appeal to the City Council within ten days of the date of the notice of the revocation, by providing a written notice of appeal to the City Clerk. No appeal will be permitted if the written notice is not received by the City Clerk within the time limits stated. The appealing party must include the reason for the appeal, any documents, the names and addresses of any person(s) that the applicant contends or asserts are sufficient to support the appeal and reverse the decision to revoke.

(D) The City Clerk will schedule the hearing before the City Council and provide notice of the hearing to the appealing party.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-22 RECORDS; COLLECTION OF FEES.**

All records relative to the issuance of certificates, inspection of vehicles, assignments of taxicab numbers and substitution of vehicles shall be kept and maintained by the police department, provided that the responsibility for collection of all privilege license fees shall be retained by the Financial Services Department. It shall be the responsibility of the owner to report any changes in contact information for the owner or the driver to the taxicab inspector within ten days of the change. It shall also be the responsibility of the owner to notify the taxicab inspector when new drivers are hired or when drivers are no longer employed by the owner. Failure to do so will subject the offender to a \$100 civil penalty.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

### ***ARTICLE C. INSPECTIONS***

#### **SEC. 11-1-51 INSPECTION OF VEHICLES AS PREREQUISITE; SUBSEQUENT INSPECTIONS.**

(A) Before any certificate of public and necessity for a taxicab or limousine will be issued under the provisions of this chapter, the applicant shall present to the taxicab inspector proof of inspection by an inspector certified by the State of North Carolina to conduct vehicle inspections. Such proof of inspection shall have been issued not more than 60 days prior to the submission of the vehicle for inspection by the taxicab inspector. Such inspection shall include all equipment inspected as identified in G.S. 20-183.3 or its successor statutes.

(B) Each taxicab, limousine, contract service vehicle, transport service or other vehicle for hire except pedi-cabs operated within the city shall be inspected at least once annually during the month of August. Each approved taxicab, limousine, contract service, transport service or other vehicle for hire shall have affixed to the lower left side of the rear glass, a city police department inspection sticker. A list of all approved taxicabs, limousines, contract services, transport services or other vehicles for hire shall be furnished to the financial services department and no privilege license shall be issued for any taxicab, limousine, contract service, transport service or other vehicle for hire failing this inspection. Each vehicle owned, operated or controlled by the certificate holder, the contract service, transport service or other vehicle for hire that is not inspected shall be subject to a civil penalty in the amount of \$250. At the time of the inspection, the owners of such vehicles for hire as described above shall present to the taxicab inspector proof of inspection as required in section 11-51-1(A) above except that such proof of inspection shall not have been issued more than 60 days prior to presentment to the taxicab inspector or other current state inspection certification provided by the State of North Carolina since the last city required vehicle inspection.

(C) The taxicab inspector may conduct random vehicle inspections of any taxicab, limousine, contract service vehicle, transport service or other vehicle for hire at times and places other than the time and place designated for the annual inspection.

(D) If a company operating certificate holder, vehicle operating permit holder, or a driver fails to make a passenger vehicle for hire available for inspection within 24 hours after being requested to do so, the Chief of Police or designee may order the passenger vehicle for hire removed from service until it is made available for inspection. (Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-52 INSPECTION ITEMS.**

(A) Each taxicab, limousine, contract service vehicle, transport service or other vehicle for hire owner shall maintain a monthly vehicle inspection log showing the items in this section have been inspected and the date of any correction. Such inspection logs will be made available to the taxicab inspector or members of the Greenville Police Department upon request. Failure to maintain such inspection logs shall subject the vehicle operator to a civil penalty in the amount of \$50 for each violation of this paragraph.

(B) In addition to the proof of inspection as required by section 11-1-51 above, each taxicab, limousine, contract service vehicle, transport service or other vehicle for hire during the annual inspection required by this section shall have the following equipment items inspected by the taxicab inspector and the vehicle owner shall maintain the inspection log referenced in this section for the following equipment:

- (1) Each taxicab shall have a minimum of three doors allowing entry into the driver's compartment of the vehicle and allowing entry into the passenger's compartment of the vehicle. All doors must be operable from the inside and outside and constructed with a double or safety lock on each door.
- (2) All upholstery covering or interior lining in any passenger vehicle for hire shall be substantially free of cuts, tears, rips or stains.
- (3) Floor mats of rubber or other material shall be provided and shall at all times be removable. No passenger vehicle for hire shall have on the floor of the vehicle any footrest bracket or other fixture extending above the top of the floor mat.
- (4) Working seat belts shall be provided for each passenger of a passenger vehicle for hire to the extent required as original equipment by the federal government.
- (5) Windshield wiper and defroster operable and adequate;
- (6) Mirrors, rear and left side view free of cracks and defects;
- (7) Windshield shall be clean and clear from both the outside and inside, free of cracks, chips, scratches or any other condition that reduces clarity of vision. All windows of the vehicle must have a light transmittance of 70% or more, with the exception of the uppermost six inches of the front windshield.
- (8) Windows shall be intact and must open and close properly: no decals, posters, or other materials on windows, other than credit card acceptance decals and PVH decals. Window gaskets shall not have any dry rot or leak;
- (9) Taxicab windows shall not be equipped with shades, curtains, film or coatings to such extent that the occupants of the vehicle cannot be seen from the outside of the vehicle;
- (10) Toplight (taxicabs only) equipped with a top light of as required by this chapter. The toplight shall be in working order as required by this chapter;

- (11) Heater and air conditioner operable. Heater must not produce smell of coolant in interior of vehicle. The heater and air conditioner must be able to adequately cool or heat the vehicle in cold or warm weather as required;
- (12) Headlights, tail lights, parking lights, turn signal lights, brake lights, backup lights, license plate lights, side lights and emergency flashers operable. Must also be covered with undamaged lenses of appropriate type and color;
- (13) Accessible vehicle equipment (for any vehicle equipped with such), including wheelchair ramps, tie-downs, safety belts and wheelchair lifts well maintained and operable;
- (14) Door handles and locks. All doors shall operate easily, shall close securely from both the outside and inside of the vehicle, and shall be accessible to passengers. No devices that restrict the ability of a passenger from readily exiting the vehicle in an emergency are allowed;
- (15) Tires, including spare (with tire jack and handle), properly inflated and having minimum tread depth of 2/32-inch and free of defects. Spare tire and jack shall be properly secured using manufacturer's equipment in designated trunk area;
- (16) Vehicle wheels properly aligned, matching hubcaps or wheel covers, wheel rims of uniform type, size and color. All shall have hubcaps attached unless the wheels are of a design which do not require hubcaps;
- (17) Horn operable; loud, clear sound;
- (18) Interior panels properly secured, free of tears and dirt;
- (19) Interior lights and driver instrument displays (speedometer, odometer, gear selection indicator, seat belt warning light, and engine warning system) operable;
- (20) Headliner clean, completely attached to interior ceiling and along edges;
- (21) Seats clean, unbroken and fastened securely, no exposed springs, wires or framework;
- (22) Accelerator, brake, emergency brake, and clutch pedals. Rubber pads in good condition, no exposed metal;
- (23) Trunk or luggage area. Floor covering, clean, free of offensive odors, litter, and items or materials that could damage or stain the passenger's baggage and shall be free of any flammable liquids or other hazardous materials. Trunk shall contain nothing except spare tire, tire jack and handle, emergency tools, and child car seat. Spare tire and jack shall be secured in proper location using manufacturer's equipment;
- (24) Bumpers, grills, and body molding. Advertisements on racks are permitted if such do not impede operator visibility and the racks are attached in a safe manner;
- (25) All bumpers and body moldings shall be in good condition and properly attached as when manufactured;
- (26) Vehicle body shall be free from dents, rust and holes which impair its safety or appearance. Unacceptable body defects (dents, creases, blemishes, ripples, rust or holes) which impair the appearance or serviceability of the vehicle include:
  - (a) A body defect six linear inches or greater and where the deepest point of depression is one-quarter-inch or greater;
  - (b) A body defect three inches in width or greater and three inches in height or greater and where the deepest point of depression is one-quarter-inch or greater;

- (c) Any defect which is one-half-inch at the deepest point of depression regardless of width or height (this includes any hole in the surface area);
  - (d) Exterior paint which is not uniform in color, does not completely cover the vehicle; or
  - (e) Any body panel, trunk, or hood misalignment;
- (27) Exhaust system. No exhaust leaks, no missing support for tail pipe;
- (28) Gas cap for fuel fill.
- (29) A frame or other device to display the driver's permit, memorandum operating permit, and rate schedule to passengers;
- (30) An operational two-way radio providing direct communication for immediate dispatch of taxicabs.

(C) Violations that are determined to present a clear, substantial and imminent hazard to life, safety, or property shall result in an immediate suspension of the vehicle operating permit.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-53 REMOVAL FROM SERVICE.**

(A) Any vehicle subject to the provisions of this chapter is subject to immediate removal from service if the vehicle and the operator fail to produce any of the following: no proof of insurance, no current registration, no current vehicle tags, and current inspection. If removed from service, the vehicle shall not be returned to service until such time as the Chief of Police or designee can determine the owner and operator are in compliance. Removal from service shall be in addition to any other state or city penalty or citation that may be imposed.

(B) During the course of any inspection required by this chapter, or at any other time any vehicle subject to this chapter should be found to be unsafe or unfit for operation or not kept and maintained in the condition and appearance required by this article, notice shall be given by the Chief of Police or designee to the holder of the certificate of public convenience and necessity issued under this chapter and such vehicle shall not thereafter be operated as a vehicle for hire for transporting persons until said vehicle has been placed back into safe condition and inspected by the taxi inspector. Nothing herein shall be construed to relieve any owner or operator of any vehicle from any or all duties imposed by law nor relieve such owner or driver from liability resulting from the unfitness of such vehicles or the negligent operation thereof.

(C) The owner or operator may request a re-inspection of any vehicle subject to this chapter removed from service for failing to pass any vehicle inspection required under this chapter at any time the owner or operator believes such vehicle is ready to be re-inspected within 30 days of the removal from service. The owner or operator shall be responsible for scheduling such re-inspection and payment of any inspection fees as required by this chapter. If the vehicle fails the re-inspection, the vehicle shall be removed from service for 15 days and may not be re-inspected until after the 15-day period. If the vehicle fails to pass inspection after the 15-day removal, then, the owner's permit and authorization to operate that vehicle shall be withdrawn. Appeals of the decision to withdraw the permit and authorization to drive a particular vehicle may be appealed to the City Council, but said vehicle may not be operated until the decision by the City Council on the appeal.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-54 SIGNS.**

No signs of any shape, size, design or for any purpose may be installed on a vehicle for hire that interferes with or blocks the front, rear or side windows or blocks or interferes with any safety lights or equipment. Violations will result in the imposition of a civil penalty as provided by this chapter.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

**ARTICLE D. TAXICABS****DIVISION 1. GENERAL PROVISIONS****SEC. 11-1-61 ANNUAL LICENSE FOR OPERATION OF TAXICAB BUSINESS.**

Every person before operating any taxicab business within the city, or within a distance of five miles thereof, shall apply to and procure from the city an annual license for the privilege of operating such business and shall pay for such annual license a tax in such sum as may be required by the provisions of Title 3, Chapter 2 of this Code. This license shall be in addition to any and all other certificates, permits or documents required by this article.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-62 DUTY TO TRANSPORT PERSONS AND PROPERTY; EXCEPTIONS.**

It shall be unlawful for any taxicab holder or driver, while on duty, to refuse to transport any person or property from the point of origin of any trip to the intended destination, provided such holder or driver shall, at the time of such request for transportation, have adequate seating capacity or space in his taxicab for such person or property and not be engaged in proceeding to a destination to transport a prior fare. Every holder or driver shall have a right to refuse transportation if:

(A) Such holder or driver believes that his safety or that of his passenger(s) will be placed in jeopardy;

(B) Such holder or driver knows from previous experience that the person seeking transportation has contributed to the disruption of taxicab service, has caused damage to property, has failed to pay a fare, or committed any violation of this article;

(C) The person being transported jeopardizes the safety of the driver or passengers or otherwise disrupts service during the transport; or

(D) The person seeking transport is under the influence of an impairing substance.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-63 OPERATING CONDITION OF VEHICLES.**

Every taxicab, limousine, contract service, transport service or vehicle for hire operating under this chapter shall be kept in a clean and sanitary condition. The owner and driver shall keep the body of the vehicle, both interior and exterior, safe and clean and its general appearance with respect to sheet metal and finish of car, normal wear and tear exempted. In addition, when any vehicle is wrecked or damaged so as to be unsafe for operation, the owner and/or driver shall make such repairs and alterations as may be required and shall not operate, or cause or permit to be operated, any such vehicle until such repairs and alterations have been completed and the vehicle has been re-inspected for compliance with this chapter.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-64 CONDUCT OF DRIVERS.**

(A) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall deceive or attempt to deceive any passenger or prospective passenger as to the passenger's destination or rate of fare to be charged nor shall he convey or cause to be conveyed any passenger to a place other than directed by the passenger. No driver providing for hire service shall take a longer route to the requested destination than is necessary, unless he or she is so requested by the passenger, except for shared ride service as provided in subsection (F) of this section.

(B) No tobacco products of any kind may be used by any driver or operator of a taxicab, limousine, contract service, transport service or other vehicle for hire while any passenger is being carried. If the driver or operator uses any tobacco product when not carrying passengers, the driver or operator must deodorize, clean and remove any evidence of tobacco use from the vehicle before carrying any passengers.

(C) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall park, stand or operate a for hire vehicle at any time in such a manner as to obstruct the movement of traffic. Nothing in this subsection shall prohibit drivers or operators of a taxicab, limousine, contract service, transport service or vehicle for hire from alighting to the street or sidewalk for the purpose of assisting passengers and their belongings into or out of a for hire vehicle.

(D) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall park or stand a for hire vehicle upon any public street or public ground in the city for the purpose of receiving calls, directions or instructions over the dispatch system, except in areas that the city may subsequently establish as taxicab stands and those areas where parking is not regulated.

(E) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall allow the seating capacity of his for hire vehicle to be exceeded, including driver. Drivers must ensure that all seatbelt and infant seat requirements imposed by law are followed by all passengers. Children may not be held in the arms of the passenger. No more passengers than the number of seatbelts which are available for use within the vehicle shall be permitted.

(F) If agreed to by the first passenger, a taxicab may answer other calls or pick up additional passengers prior to taking the first passenger to his or her destination, provided the first passenger agrees to the amount of additional time above the time normally required for the exclusive ride service as estimated in advance by the driver. Taxicab drivers shall specify any fare discounts to passengers participating in shared ride service. If a child under 16 years of age and unaccompanied by a person 16 years of age or older is the original passenger, no other passengers shall be permitted in the taxicab.

(G) No driver shall refuse or neglect to convey any person because of the person's race, color, national origin, religion, sex, age or disability.

(H) Drivers shall be clean in dress and in person.

(I) No driver or operator of a taxicab, limousine, contract service, transport service or vehicle for hire shall be under the influence of drugs or alcohol, which impairs judgment, performance or behavior while on duty.

(J) The driver shall inspect each for hire vehicle daily for articles left by passengers and make every reasonable effort to return such to the rightful owners as soon as possible after their discovery. If the owner cannot be located or determined, the lost article shall be turned over to the Greenville Police Department not later than 48 hours after the article is found along with the record of attempts to locate the rightful owner.

(K) When requested by a passenger, every driver shall give a receipt showing the company's name, driver's name, date, place and time of trip, origin and destination and the amount of fare charged. Any citation issued for overcharging or failing to provide a receipt shall be issued to the driver of the taxicab.

(L) No driver shall monitor the dispatch frequencies of other taxicab businesses.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-65 ACCIDENT REPORTS.**

Every accident involving the operation of a for hire vehicle shall be reported to the taxicab inspector within 48 hours of the accident, excluding Saturdays, Sundays and legal holidays. The certificate holder for the vehicle for hire involved in an accident and the driver of the vehicle for hire so involved shall be jointly and individually responsible for making the required report, which report shall be on a form to be furnished by the taxicab inspector. Upon receipt of the report, the taxicab inspector shall determine whether the damage renders the vehicle unsafe for operation and, if so, shall immediately order the vehicle out of service until repaired and re-inspected.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-66 MANIFEST.**

(A) A daily manifest shall be maintained by the owner of each taxicab noting all trips made each day, showing the driver's name, cab number, place and time of origin and destination of each trip and the amount of fare. Each driver shall complete an entry on the manifest for each fare incurred whether the driver is dispatched by phone or radio communication.

(B) Every owner shall retain and preserve all drivers' manifests in a safe place for at least 180 days and such manifests shall be made available upon demand for inspection by the taxicab inspector.

(C) All such completed manifests shall be returned to the holder by the driver at the conclusion of his tour of duty and shall be open for inspection at any reasonable time to any Greenville police officer whose duty it is to enforce the provisions of this chapter. The forms for such records shall be furnished to the driver by the holder and shall be of a character approved by the Chief of Police.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-67 TAXICABS USED FOR PRIVATE PURPOSES.**

No taxicab shall be used other than as a vehicle for hire, unless the driver's permit is first removed therefrom and an "off-duty" sign is thereon prominently displayed.

(Ord. No. 11-069, § 1, passed 11-17-2011)

*DIVISION 2. DRIVER'S PERMITS***SEC. 11-1-81 DRIVER'S PERMIT REQUIRED.**

No person shall drive any taxicab carrying passengers for hire from place to place within the city, or within a distance of five miles thereof, unless that person shall have first applied to and secured from the Chief of Police a permit to drive a taxicab. Permits are valid only for the holder named on the permit. An application for a permit to drive for another holder within six months of the date of initial issuance or subsequent renewal will constitute a transfer and shall be applied for on a form supplied by the City Police Department. An application for a permit to drive for another holder in excess of six months from the date of initial issuance or subsequent renewal shall constitute a renewal and the applicant shall comply with all provisions of this article. Upon receipt of an application for a permit to operate a taxicab within the city, the Chief of Police shall, within 14 calendar days, issue a permit, if consistent with this article.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-82 PERMIT APPLICATION; FINGERPRINTS AND PHOTOGRAPH AS PART THEREOF.**

(A) The application for a permit or renewal to drive a taxicab shall be made upon forms furnished by the Chief of Police.

(B) No driver's permit shall be issued to any person until and unless such person shall have made and filed with the Chief of Police an application, sworn to before a notary public or other officer authorized to administer oaths. The sworn application for such permit or renewal thereof shall contain the following information:

- (1) The name and address of the applicant;
- (2) Whether there are any unpaid judgments of record against such owner, and if so, the title of all actions and the amount of all judgments unpaid, and reference to the judgment docket and page where the judgment is recorded;

- (3) The make, type, year of manufacture, serial number, engine number and passenger capacity of each taxicab to be operated under the driver's permit applied for;
- (4) The applicant shall further appear at the city police department for the purpose of having his fingerprints taken and photograph made, both of which constitute part of his or her application;
- (5) The applicant shall provide proof of insurance in the amounts required by this chapter.
- (6) Whether there are any liens, mortgages or other encumbrances on such taxicabs, and, if so, the amount and character thereof;
- (7) The experience of the applicant in the transportation of passengers for hire; and
- (8) Any person applying for a driver's permit or renewal under this division shall produce a completed drug screen report with a date not less than ten calendar days prior to submission of the completed application or renewal. Such drug screen tests shall be at the expense of the applicant and at the drug screen testing facility directed by the Chief of Police.

(C) Each applicant shall submit to a controlled substance test as directed by the Chief of Police and provide authorization for release of the results of such testing to the Chief of Police and those involved in the permitting process or any appeals. The test must be not less than the full ten-panel test required by the Department of Transportation. The cost of the testing shall be borne by the applicant. The request for testing and the results of the test both shall constitute and become part of the application.

(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-83 CHIEF OF POLICE TO INVESTIGATE.**

The Chief of Police shall investigate the facts stated in the application, taking into account the factors set forth in section 11-1-84. A criminal history shall be requested from sources permitted by law. The Chief of Police shall report his or her findings in writing, including all supporting documentation, with his or her determination as to whether a permit is issued to the applicant. The Chief of Police shall notify the applicant in writing whether the application is approved or denied and if denied, the reason or reasons for the denial.

(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-84 REFUSAL AND REVOCATION.**

The following factors shall be deemed sufficient grounds upon which the Chief of Police may refuse to issue a driver's permit or may revoke a permit of any driver already issued such permit:

(A) Conviction of a felony against the state or conviction of any offense against another state, which would have been a felony if committed in this state. This section shall not apply to felony convictions (as defined herein) which occurred more than ten years from the date of the application or revocation;

(B) Violation of any federal or state law relating to the use, possession or sale of any alcoholic beverage as defined by G.S. Ch. 18 or any controlled substance as defined by G.S. Ch. 90 within five years of the application for a driver's permit. Such permit may be revoked if the violation occurred during the issuance period;

(C) Conviction, no contest plea, judgment continued or deferred for operation of any motor vehicle while under the influence of an impairing substance and/or the receipt of a restricted driving privilege by the North Carolina Department of Motor Vehicles as a result of such arrest, conviction, judgment continued or deferred for driving while under the influence of an impairing substance. Any permit issued will be revoked and no initial application or application for reinstatement may be submitted until unrestricted driving privileges are granted by the North Carolina Department of Motor Vehicles and the applicant has no other violations of federal or state law;

(D) Addiction to or habitual use of any alcoholic beverage as defined by G.S. Ch. 18 or use of any controlled substances as defined by G.S. Ch. 90 not therapeutically prescribed;

(E) Conviction of any federal or state law relating to prostitution;

(F) Not being a legal resident of the United States;

(G) Three convictions including any prayer for judgment or continuation of the judgment within a one-year period of time, of any city, county or state traffic or safety ordinance or law. For purposes of this subsection, a conviction is a violation. Violations resulting in not guilty verdicts are not counted for purposes of this section;

(H) A single conviction of a city, county, or state traffic or safety ordinance or law that grossly endangers the lives of the driver, his or her passenger(s), or the community;

(I) Conviction of any crime involving the use of a weapon of any type;

(J) Repeated and persistent acts impugning the driver's truthfulness or veracity, including but not limited to fraud or deception;

(K) If the applicant, whether initial or for renewal, shall refuse to submit to a controlled substance test or if the applicant's controlled substance test result reveals a positive level for any of the controlled substances listed in sections 90-89 through 90-94 of the North Carolina Controlled Substances Act, the application for permit or renewal shall be denied. If the applicant, whether for initial permit or for renewal, is denied a permit as a result of a positive controlled substance test, the driver may not operate a vehicle for hire until a permit is issued and must wait six months from the date of the denial before re-applying for a permit. Any re-application shall be treated for fee purposes as an initial application;

(L) Any charge alleging assault or domestic violence.

(M) 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 G.S. Ch. 14, Art. 26 and 27, relating to offenses against public morality and decency and crimes related to prostitution within ten years preceding the application or revocation.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-85 FEE; TERM; RENEWAL.**

Upon issuance of a taxicab driver's permit, subject to the provisions of this article, the person to whom such permit is issued shall pay therefore such fee as may be required by the city *Manual of Fees*. Such permit shall be renewed annually. Upon the application for renewal, the applicant for renewal shall be subject to the same investigation as required for initial issuance and shall pay such renewal fee as may be required by the city *Manual of Fees*.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-86 POSTING IN TAXICAB.**

The driver of every taxicab while on duty shall prominently post and display in such taxicab, so as to be visible to the passengers therein, his or her permit to drive a taxicab, which shall contain the driver's photograph, fingerprint and such other information as required by the Chief of Police.  
(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-87 ASSIGNMENT OR TRANSFER.**

No owner's permit granted and issued under this chapter shall be assigned or transferred. In the event any taxicab operated pursuant to an owner's permit issued under this chapter shall become damaged or worn out or for other reason is rendered unfit for use and its use for taxicab purposes is discontinued by the holder of the owner's license pursuant to which such taxicab was operated, and such licensee desires to operate another vehicle in its place, then such licensee shall file an affidavit with the taxicab inspector setting forth the fact that such vehicle has been discontinued in use and that such other vehicle has replaced it. Such affidavit shall also contain the make, model, serial number and body style of the vehicle that is being replaced and the same information for the replacement vehicle.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-88 REVOCATION UPON CHANGE OF OWNERSHIP: ISSUANCE TO NEW OWNER.**

Change of ownership or title to any taxicab shall automatically revoke any owner's permit previously granted to the extent applicable to the operation of such taxicab or taxicabs. The purchaser of any such taxicab shall not operate such vehicle as a taxicab unless and until he has applied for and has been granted an owner's permit in the manner provided by this chapter. For the purposes of this chapter a change of ownership is deemed to have taken place if, in addition to other methods usually employed, the owner of any taxicab leases the same to any person under any lease or other arrangement whereby such person shall have the right upon the payment of an amount of money or other consideration of any other thing of value to acquire title at any future date to such taxicab.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-89 APPEAL TO APPEAL BOARD.**

(A) Any person who makes application to the Chief of Police and who is refused a driver's permit shall have the right of appeal to the Appeal Board as hereinafter constituted. The applicant must give notice of appeal in writing within ten calendar days of the notification from the Chief of Police as set forth in section 11-1- 83. The notice of appeal shall be directed to the office of the City Manager. If such application is a renewal of a currently valid permit, the refusal to renew by the Chief of Police shall be stayed during the pendency of the appeal. If the application is for an initial permit, no stay will be issued. The stay of a refusal to renew can be dissolved pending the appeal by request of the Chief of Police and a showing that the refusal to renew was a direct result of a gross act by the applicant that jeopardized the safety of the applicant, his passengers or the community while he or she was operating a taxicab vehicle. The request of the Chief of Police to dissolve a stay shall be made to the City Manager and the applicant shall have a reasonable and timely opportunity to respond to the same before ruling by the City Manager.

(B) The appeal to the Appeal Board shall be conducted within 15 calendar days of the date of the notice of appeal. The appeal shall be an informal administrative hearing in which the rules of evidence shall not apply, but the applicant's right to confront and cross-examine witnesses against him or her shall be enforced. The applicant shall be entitled to be represented by counsel and shall have the right to present evidence, call witnesses and confront and cross-examine witnesses against him or her. Witnesses shall testify under oath. The hearing shall be conducted in accordance with the principles of due process.

(C) The Appeal Board shall be constituted of three members who shall be the current City Manager or his or her designee, an elected member from the Greenville Taxicab Association, and a designated member from the City Council. There shall be an alternate elected member from the Greenville Taxicab Association to serve in the event that the applicant is employed by or for the initial elected member. Each Appeal Board member shall have the right to question witnesses. The City Manager shall be the chairman and conduct the hearing and govern procedural questions. The decision of the Appeal Board shall be by majority vote and said decision shall be made at the conclusion of the hearing, unless the Appeal Board requests additional evidence. The Appeal Board may issue probationary or conditional licenses if the mitigating or extenuating evidence outweighs the decision to revoke, suspend or deny a driver's permit. The decision of the Appeal Board shall be documented by the City Manager in writing, including findings to support their decision, and forwarded to the applicant within ten calendar days of the conclusion of the hearing.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-90 SUSPENSION AND REVOCATION; CAUSES AND HEARINGS.**

(A) An owner's permit may be suspended or revoked by the Appeal Board at any time in case the Appeal Board finds and determines:

- (1) That the past record of the holder of the owner's permit is unsatisfactory and that it is detrimental to and not in the public interest to permit the continued operation of a taxicab business by such person; or
- (2) That the owner has failed to operate the taxicab or taxicabs in accordance with the provisions of this chapter; or
- (3) That the taxicab or taxicabs of the owner have been operated at a rate of fare other than that provided by this chapter; or
- (4) That the holder of a permit has failed to register properly with the State, in the correct and true owner's name, any taxicab covered by the owner's permit; or
- (5) That the holder of an owner's permit has been convicted of a felony; or violation of any federal or state statute or city ordinance relating to the possession or sale of intoxicating liquors; or violation of any federal or state statute or city ordinance relating to prostitution; or any federal or state statute or city ordinance relating to the use, possession or sale of narcotic drugs; or repeated violations of traffic laws or ordinances; or becomes a habitual user of intoxicating liquors or narcotic drugs; or
- (6) That the holder of any owner's permit has made a false or misleading statement on his or her application.

(B) An owner's permit may be temporarily suspended by the Chief of Police when it is found that there has been a violation of subsection (A). Notice of suspension will be delivered to the owner in person or through registered mail. The notice shall state that the owner may have a hearing before the Chief of Police within ten days upon the written request of the owner. The owner will have the right to appeal to the Appeal Board in writing within ten days of the decision of the Chief of Police. It shall be unlawful for an owner to operate a taxicab business regulated by this article during the pendency of an appeal taken pursuant to this section.

(Ord. No. 11-069, § 1, passed 11-17-2011)

*DIVISION 3. VEHICLE REQUIREMENTS***SEC. 11-1-100 TAXICAB NUMBERS.**

Whenever a certificate shall be granted under the provisions of this article, the Chief of Police shall designate upon the certificate a number for each taxicab to be operated by the holder. Each taxicab shall be given a different number. It shall be the duty of each holder, before operating such taxicab, to imprint, legibly and visibly, upon each side and the rear of the exterior of the body of the taxicab, the number given it by the Chief of Police in figures at least three and one-half inches in size.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-101 ILLUMINATED SIGNS ON TAXICABS.**

Each taxicab operated in the city shall have an illuminated sign on top of the taxicab with the name of the taxicab company and the number of the taxicab legibly and visibly imprinted thereon. Such sign shall be no less than 18 inches in length and lettering thereon shall be no less than three and one-half inches in height. The taxicab operator shall not be required to have the sign on the top of the taxicab illuminated during daylight hours, which shall be that period from one hour after sunrise to one hour before sunset.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-102 SOLICITATION OF PASSENGERS BY DRIVER.**

(A) No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curbside thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his or her vehicle at all times when such vehicle is upon the public street, except upon request to assist in the handling of baggage of a passenger or prospective passenger.

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

(C) No driver shall solicit passengers at the terminal of any other common carrier.

(D) No driver shall solicit passengers from private property without a notarized written statement granting permission from the property owner. Such notarized written statement must be maintained inside the vehicle and be available to be presented to a police officer upon request.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-103 LOST ARTICLES.**

The driver of a taxicab shall make every effort possible to return any lost article that may be found in the taxicab to the rightful owner as soon as possible after discovery of such article. If the owner cannot be located or determined, the lost article shall be turned over to the police department within 48 hours of discovery.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-104 UNAUTHORIZED PASSENGERS.**

No taxicab shall be used other than as a vehicle for hire unless the driver is off duty. No individual except the holder or driver shall be allowed to ride in a taxicab which is in service unless such individual is a fare-paying passenger.

**SEC. 11-1-105 COMPLIANCE OF PASSENGER'S REQUEST REQUIRED.**

(A) Each taxicab driver shall comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken.

(B) The driver of a taxicab shall, upon the request of any passenger, give to such passenger the correct name and address of such driver and such other information as will identify the vehicle, driver and owner thereof.

(Ord. No. 11-069, § 1, passed 11-17-2011)

*DIVISION 4. FARES***SEC. 11-1-119 AUTHORITY OF CITY COUNCIL TO ESTABLISH.**

The schedule of fares charged by all taxicabs operating within the city shall be as fixed by the City Council from time to time.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-120 SCHEDULE OF FARES; EDUCATION.**

(A) Taxi cabs operating within the jurisdictional city limits of the City of Greenville may elect charge fares and fees by the installation and use of a taximeter or by use of the approved zone map and the fares and fees provided in the *Manual of Fees*. The election decision is made by the franchise holder and will apply to all taxicabs operating under the particular franchise. A franchise holder, may not select both options for use during the same year. Once the election is made, the franchise holder must comply with the fares and fees for the selected option for a period of one year. At the end of the year, the franchise holder may elect to continue with the selected option or may elect to use the other option but must continue to use that option for one year until the new option period starts. In the event the franchise holder does not make an election, the franchise holder shall be deemed to elect the zone maps and zone fees.

(B) Every taxicab that elects to use the taximeter option shall have affixed thereto and must use a taximeter the model, maker, size, design and contents of which have been approved by the chief of police or designee and shall comply with the following provisions:

- (1) A taximeter is a mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated either for distance traveled or for waiting time or both and upon which such charge shall be indicated by means of legible figures which are electrically lighted each time the taximeter is changed from the nonearning position to the earning position.
- (2) Each taximeter must be driven direct from the taxicab transmission and not connected to the speedometer driving shaft to the taximeter head itself, using a flexible shaft and a flexible housing so connected and sealed as to be non-tamperable.
- (3) No person shall use or permit to be used upon any taxicab a taximeter which shall be in such a condition as to be over 5% incorrect to the prejudice of any passenger.
- (4) No person shall use or permit to be used or driven for hire a taxicab equipped with a taximeter the case of which does not have its cover and gear intact.
- (5) If requested by the passenger, the driver in charge of the taxicab shall deliver to the person paying for the hiring of the same at the time of such payment a receipt thereof in legible type or writing containing the name of the owner, the vehicle number, the taximeter number and each item for which a charge is made, the total amount paid and the date of payment.
- (6) Taxicab owners and operators shall be responsible for the purchase, installation and maintenance of the approved taximeter.
- (7) No taxicab shall be operated on a for hire basis unless and until such installed taximeter has been inspected and passed by the taxicab inspector. It shall be unlawful to change the size of the wheels or tires or the gears operating the taximeter or to change a taximeter from one vehicle to another unless the taximeter is retested and approved by the taxicab inspector. Violations of this provision will result in revocation of all drivers' permits and franchises issued to the owner or operator.
- (8) The taximeter shall be sealed at all points and connections which, if manipulated would affect its correct reading and recording. The taximeter on each taxicab shall be inspected, except as noted in (B)(7) above, annually and recertified during the regular annual vehicle inspection. If the taximeter is inspected either randomly or upon complaint and is discovered to be inaccurate, the owner and/or operator shall immediately cease operations until such taximeter has been inspected and certified by the taxicab inspection. If such inspection reveals or discovers the taximeter has been tampered or altered, the taxicab inspector shall notify the chief of police who will issue notification of revocation of all driver's permits and franchises issued to the owner or operator.
- (9) *Rates established.* The rates to be charged by all taxicab companies and certificate holders doing business in the city for each trip shall be in accordance with the schedule of rates and fees as set by the City Council and

contained in the *Manual of Fees*. The taximeter must be engaged at all times when the taxi is carrying a passenger or passengers. No person or business operating a taxicab within the corporate limits of the city shall assess, collect, charge or receive a fare or fee for transporting any passenger within the corporate limits which is greater than the charges, fees or fares set by the City Council and contained in the *Manual of Fees*.

- (10) Pedi-cabs shall not be required to install taximeters but shall be permitted to charge such fees and fares as provided in the *Manual of Fees* as approved by the City Council.
  - (11) Each vehicle for hire shall post the following information in a conspicuous place and of such size that it may be read from the rear seat by the passenger:
    - (a) All rates and fees that may be charged.
    - (b) The name and telephone number of taxi inspector and right to call.
    - (c) The right of the passenger to request a receipt showing the fare, additional fees, any discounts received and any tip paid. The driver and owner shall maintain a copy of the receipt.
  - (12) Each driver shall complete a manifest entry for each passenger pickup and delivery showing the time and location of pickup, time and location of drop off, the fare and fees charged and any discounts provided.
- (C) Every taxicab that elects to use the zone maps and zone fees shall comply with the following provisions:
- (1) *Adopted; zone map; rates.* Under the provisions of G.S. 160A-304 and section 11-1-119 of this code, the city council shall adopt a schedule of maximum fares which taxicab operators may lawfully charge for their services within the city:
    - (a) The corporate limits of the city shall be divided into zones, and these zones shall be reflected on a map entitled "Taxi Fare Service Zones". The map shall periodically be revised to reflect expansion of the city's corporate limits. Said map and any subsequent revisions to it are hereby incorporated by reference in this section as if fully set forth.
    - (b) The zones created for the city shall have applicable rates for each zone. These rates shall be set out in the *Manual of Fees* for the City of Greenville.
  - (2) *Additional rates.* Additional rates may be in effect in certain situations. These additional rates are described and set forth in the *Manual of Fees* for the city.
  - (3) *Franchise holders.* Use of meters under this section may not be imposed on a franchise holder and will be on a voluntary basis only.
  - (4) *Rates established.* The rates to be charged by all taxicab companies and certificate holders doing business in the city for each trip shall be in accordance with the schedule of rates and fees as set by the City Council and contained in the *Manual of Fees*. No person or business operating a taxicab within the corporate limits of the city shall assess, collect, charge or receive a fare or fee for transporting any passenger within the corporate limits which is greater than the charges, fees or fares set by the City Council and contained in the *Manual of Fees*.
  - (5) Each vehicle for hire shall post the following information in a conspicuous place and of such size that it may be read from the rear seat by the passenger:
    - (a) All rates and fees that may be charged.
    - (b) The name and telephone number of taxi inspector and right to call.

- (c) The right of the passenger to request a receipt showing the fare, additional fees, any discounts received and any tip paid. The driver and owner shall maintain a copy of the receipt.
- (6) Each driver shall complete a manifest entry for each passenger pickup and delivery showing the time and location of pickup, time and location of drop off, the fare and fees charged and any discounts provided.

(D) Whether the taximeter option or the zone rate option is selected every franchise holder and every driver upon within two weeks of award of a franchise or approval of driver permit shall complete an initial training period conducted by the Chief of Police or designees concerning the duties, responsibilities and obligations of each franchise holder and driver who operate vehicles for hire within the city limits of the City of Greenville. All franchise holders and drivers shall be required to complete an annual refresher training program as established by the Chief of Police or designees.

- (1) No vehicles for hire may be operated by the new franchise holder or new driver until such training has been satisfactorily completed. It will be a violation of the provisions of this chapter to fail to complete the training before initial operations are started. Penalties for violations of this chapter may be assessed for such violations.
- (2) Failure to satisfactorily complete the annual refresher training will be treated as a violation of this chapter. Penalties for violations of this chapter may be assessed for such violations.
- (3) The initial and annual training programs established and conducted by the Chief of Police or designees shall include instruction on the following:
  - (a) Compliance with the ordinance.
  - (b) Vehicle inspections.
  - (c) Record keeping.
  - (d) Rates and fees and methods of charging.
  - (e) Violations and penalties.
  - (f) Suspensions and revocations.

(Ord. No. 11-069, § 1, passed 11-17-2011; Ord. No. 11-070, § 1, passed 11-17-2011)

**SEC. 11-1-121 PRIOR NOTICE AND PAYMENT OF FARE.**

The driver of every taxicab shall inform the passenger of the lawful fare prior to transporting the passenger and may, if he or she so desires, demand the payment of his lawful fare prior to transporting any person or property.

(Ord. No. 11-069, § 1, passed 11-17-2011)

***ARTICLE E. LIMOUSINES***

**SEC. 11-1-128 LICENSE REQUIRED; FEE.**

Every person, firm or corporation shall apply to and receive from the Chief of Police an annual license for the privilege of operating a limousine service within the city, or within the distance of five (5) miles thereof, before operating such business and shall pay an annual license fee in a sum established by the City Council. Renewals of a license issued by the City Council may be issued by the collector of revenue.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-129 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED.**

It shall be unlawful for any person, firm or corporation to operate a limousine upon the streets of the city without having first applied for and secured from the Chief of Police a certificate of public convenience and necessity in accordance with the provisions of Article B of this chapter. For purposes of insurance, operations, inspections, and licensing limousines, all provisions of Articles A, B and C also shall apply to limousines.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-130 DRIVER'S PERMIT REQUIRED.**

It shall be unlawful for any person to drive a limousine carrying passengers for hire from place to place within the city, or within a distance of five miles thereof, unless that person shall have first applied to and secured from the Chief of Police a permit to drive a limousine in accordance with the provisions of Division 2 of Article D of this chapter.

(Ord. No. 11-069, § 1, passed 11-17-2011)

**SEC. 11-1-131 APPLICATION OF CONDITIONS.**

All limousines and limousine services operated under the chapter shall comply with the same requirements for insurance; vehicle maintenance, condition and inspections; applications; and will be subject to the same grounds for suspension or revocation of certificates of public convenience and necessity as taxicabs.

(Ord. No. 11-069, § 1, passed 11-17-2011)

***ARTICLE F. CONTRACT VEHICLES, TRANSPORT SERVICES AND OTHER VEHICLES FOR HIRE.*****SEC. 11-1-132 COMPLIANCE WITH STATE LAWS AND CITY ORDINANCES.**

(A) Every vehicle for hire shall be operated in accordance with the laws of this state and the ordinances of this city and with due regard for the safety, comfort and convenience of passengers and for the safe and careful transportation of property and for the safety of the general public.

(B) No vehicle for hire shall be operated at a rate of speed inconsistent with existing traffic regulations, road conditions, and the hazard at intersections and any other conditions then existing, nor in such manner or condition to endanger or to be likely to endanger the safety of passengers, pedestrians, vehicles or the person and property of others.

(C) Vehicles identified under this Article will comply with the requirements and duties imposed by Article A, Article C, and Article D of this chapter.

(D) No vehicle for hire identified under this article shall operate without a privilege license as required by Title 3, Chapter 2, Article C of the Greenville City Code.

(E) All drivers of vehicles for hire identified under this Article shall secure a permit to drive from the Chief of Police in accordance with the provisions of Division 2 of Article D of this chapter.

(F) No signs of any shape, size, design or for any purpose may be installed on a vehicle for hire that interferes with or blocks the front, rear or side windows or blocks or interferes with any safety lights or equipment. Violations will result in the imposition of a civil penalty as provided by this chapter.

(G) Transport services provide an unusual and unique service essentially different from typical taxicab services and require a special service permit issued by the Chief of Police or designee. Services under this subsection include, but are not

limited to, fixed route service, para-transit service, geographically or time-of-day/limited service or any other innovative services. A special service permit shall be issued under the following conditions:

- (1) Application for a special service permit shall be addressed in writing to the Chief of Police and shall designate the proposed service in detail and shall provide reasons why a regular vehicle operating permit is inadequate.
- (2) Approval and subsequent operation under a special service permit shall be contingent upon any conditions of this article placed in the special service permit by the Chief of Police. Failure to carry out the conditions of the special service permit shall be grounds for revocation of the permit.
- (3) Fees for the application of special service permits shall be set out in the *Manual of Fees*.
- (4) A special service permit holder must also obtain a vehicle operating permit for the service to be provided.
- (5) Unless specifically exempted in the special service permit, each service operating pursuant to a special service permit shall be subject to every section of this article, including driver permits for each person operating the transport service vehicle.

(Ord. No. 11-069, § 1, passed 11-17-2011)

#### **SEC. 11-1-133 LICENSE REQUIRED; FEE.**

Every person, firm or corporation shall apply to and receive from the city an annual license for the privilege of operating a vehicle for hire service within the city, or within the distance of five miles thereof, before operating such business and shall pay an annual license fee in a sum established by the City Council as provided in the *Manual of Fees* for the City of Greenville. Gross receipts from tax or business tax filings will be used to determine such license fees. Renewals of a license issued may be issued by the Financial Services Department, Collections Division.

(Ord. No. 11-069, § 1, passed 11-17-2011)

### ***ARTICLE G. PENALTIES AND ENFORCEMENT ACTIONS***

#### **SEC. 11-1-140 PENALTIES AND ENFORCEMENT ACTIONS.**

(A) Any person operating a taxicab, limousine, contract service, transport service or other vehicle for hire as defined in this chapter without a privilege license shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50 or imprisoned for not more than 30 days as provided and set forth in section 3-2-42 of the Greenville City Code in addition to any taxes, interest, penalties and other civil remedies that may be available including but not limited to injunctions, garnishment, attachment and levy and sale of real and personal property as further provided in section 3-2-43 of the Greenville City Code.

(B) Unless provided for elsewhere in this chapter, all other violations shall subject the offender to a civil penalty and, where applicable, suspension of any certificate of public convenience and necessity or privilege license as provided elsewhere in this chapter as follows:

- (1) For a first offense, a civil penalty will be assessed in the amount of \$100.
- (2) In the event there is more than one violation within any 30 days period, then the civil penalty shall be increased for each additional violation over one during such period as follows:
  - (a) The date of the first violation shall establish the beginning for the initial 30 days period. The next violation within that 30 days period shall be considered a second violation and shall subject the offender to a civil penalty of \$250.

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(b) Third and subsequent violations within the same 30 days period shall subject the offender to a civil penalty of \$500 for each violation.

(C) Once the 30 days period has run from the “first violation,” the next violation shall be considered the first violation for establishing a new 30 days period. Each subsequent violation that follows more than 30 days from the previous first violation shall be a new first violation for the purpose of establishing a new 30 days period.

(D) The levying of civil penalties shall be initiated by any police officer or the taxicab inspector giving written notice of the infraction committed to the vehicle for hire owner or driver, along with a statement that a civil penalty is being imposed.

(E) Civil penalties shall be paid within 72 hours of the issue date to Financial Services, Collections Division. If not paid within the 72 hours of the date of issue, an additional \$50 dollars delinquency charge will be added for each 72 hours period thereafter upon nonpayment until paid in full.

(F) The City Attorney or designee is authorized to file suit on behalf of the city to collect any unpaid citations and any delinquency charge, and the Police Chief or designee is authorized to verify and sign the complaints on behalf of the city in such suits. If litigation is required to recover the penalties and delinquency charges, the City Attorney or designee may recover, in addition to the penalties and delinquency charges, reasonable attorneys fees and other costs incurred in bringing the action and collecting the judgment.

(G) Additionally, this chapter may be enforced through available equitable remedies including but not limited to enjoining the operation of any taxi, limousine, contract service, transport service or other vehicle for hire as issued by a court of competent jurisdiction. Citations issued to any driver or operator of any taxi, limousine, contract service, transport service or other vehicle for hire and not paid when the driver or operator leaves employment of the business or franchise holder shall be the responsibility of the franchise holder or business.

(H) Any permit required to be issued and renewed under the terms of this chapter shall not be issued or renewed in the event civil penalties for violations remain unpaid by the applicant or by an employee of the applicant.  
(Ord. No. 11-069, § 1, passed 11-17-2011)