

AMENDING CHAPTER 22

ORDINANCE NO. 4701

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II, OF THE CITY CODE,  
ENTITLED VEHICLES FOR HIRE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE,  
NORTH CAROLINA THAT:

Section 1: Chapter 22, Article II, of the City Code is amended to read as shown in the attached Exhibit A, which is incorporated into and made a part of this ordinance herein.

Section 2: This ordinance shall become effective on September 1, 2011, except as expressly provided in Exhibit A where revisions to Sections 22-287 and 22-288 of the City Code will be effective on July 1, 2012.

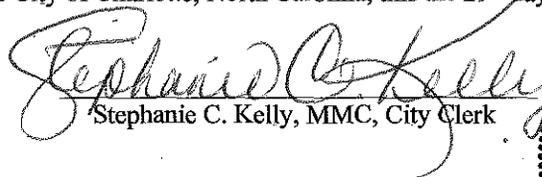
Approved as to form:

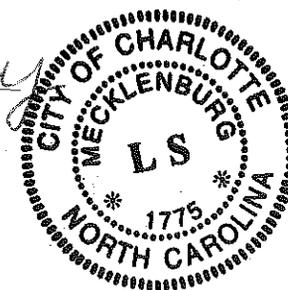
  
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Senior Assistant City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the city of Charlotte, North Carolina, in regular session convened on the 25<sup>th</sup> day of July, 2011 the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Pages (224-307).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of July, 2011.

  
Stephanie C. Kelly, MMC, City Clerk



**EXHIBIT A**  
**REVISIONS TO PASSENGER VEHICLE FOR HIRE ORDINANCE**  
**CHAPTER 22 OF THE CITY CODE**

**Chapter 22 - VEHICLES FOR HIRE\***

**Cross reference—Businesses and trades, ch. 6; licenses, ch. 13; motor vehicles and traffic, ch. 14; streets, sidewalks and other public places, ch. 19.**

**State law reference—Authority to regulate taxis and other vehicles for hire, G.S. 160A-304.**

ARTICLE I. - IN GENERAL

ARTICLE II. - PASSENGER VEHICLES FOR HIRE

**ARTICLE I. - IN GENERAL**

Secs. 22-1—22-25. - Reserved.

**Secs. 22-1—22-25. - Reserved.**

**ARTICLE II. - PASSENGER VEHICLES FOR HIRE\***

**Editor's note—**

**Ord. No. 3065-X, adopted August 22, 2005, amended article II in its entirety to read as herein set out. Formerly, article II pertained to similar subject matter and derived from the Code of 1985, §§ 22-15—22-24, 22-31—22-39, 22-42—22-47, 22-56—22-64, 22-66—22-71, 22-80—22-95, 22-101—22-103, 22-111—22-124, 22-131—22-136, 22-145—22-151, 22-160—22-162, 22-170—22-173, and Ord. No. 2447, § 12, adopted November 24, 2003.**

DIVISION 1. - GENERALLY

DIVISION 2. - COMPANY OPERATING CERTIFICATE

DIVISION 3. - VEHICLE OPERATING PERMIT

DIVISION 4. - DRIVER'S PERMITS

DIVISION 5. - PASSENGER VEHICLE FOR HIRE BOARD

DIVISION 6. - OPERATION

DIVISION 7. - RATES AND CHARGES AND POSTING  
REQUIREMENTS

DIVISION 8. - SPECIFICATIONS AND EQUIPMENT

DIVISION 9. - INSPECTION AND MAINTENANCE OF  
EQUIPMENT  
DIVISION 10. - AIRPORT SERVICE

**DIVISION 1. - GENERALLY**

Sec. 22-26. - Purpose.

Sec. 22-27. - Definitions.

Sec. 22-28. - Passenger vehicle for hire office created; manager's reports, recommendations and duties generally.

Sec. 22-29. - Limitation on number of certificates and permits.

Sec. 22-30. - Types of service.

Sec. 22-31. - Conduct of certificate holders, permit holders, drivers.

Sec. 22-32. - Taxicab stands.

Sec. 22-33. - Penalties.

Sec. 22-34. - Appeals.

Sec. 22-35. - Enforcement by police.

Secs. 22-36—22-60. - Reserved.

**Sec. 22-26. - Purpose.**

The purpose of this article is to regulate passenger vehicles for hire in order to preserve the health and welfare of the citizens of the city and the protection of their property.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-27. - Definitions.**

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

*Accessible vehicle* means a taxicab which is capable of transporting passengers with disabilities or physical impairments. Specifically, an accessible vehicle shall be of the type of commercially modified minivan with a boarding ramp at the side or rear of the vehicle for wheelchair access and forward facing seats in the front of the vehicle for non-disabled use. The passenger vehicle for hire manager shall maintain a list of all approved commercially modified minivans for use as an accessible vehicle. Any specific vehicle that was in service prior to August 23<sup>rd</sup>, 2005 and was operated as an accessible vehicle while meeting the requirements for such at that time shall be considered an accessible vehicle.

*Affiliated* means a contractual or permissive arrangement usually between a company operating certificate holder and a driver that indicates an association

with, or attachment to, a service provider.

*Airport operating agreement* means an agreement between a passenger vehicle for hire company and the city, allowing the passenger vehicle for hire company to obtain one or more airport passenger vehicle for hire permits for any passenger vehicle for hire operating at the airport and associated with that company.

*Airport passenger vehicle for hire* means a passenger vehicle for hire that has been issued a vehicle operating permit and an airport passenger vehicle for hire permit pursuant to an airport operating agreement.

*Airport passenger vehicle for hire permit* means a permit issued to a passenger vehicle for hire company to operate an airport passenger vehicle for hire at the airport pursuant to an airport operating agreement between the company and the city.

*Airport passenger vehicle for hire permit fee* means a fee charged annually for each vehicle issued an airport passenger vehicle for hire permit.

*Alternative fuel* means a fuel used to power a vehicle and is limited to the following: propane, natural gas, or electricity.

*Alternative fuel vehicle* means a vehicle with an engine powered full or part time by an alternative fuel.

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

*Civil penalties* means only those penalties levied under this chapter of the city code.

*Certificate* means a company operating certificate as defined in this section.

*Chauffeur* has the same meaning as driver, as defined by this article.

*Company* means a passenger vehicle for hire company to which a company operating certificate has been issued.

*Company operating certificate* means the license, issued by the city manager or his designee, authorizing a person to operate a passenger vehicle for hire company.

*Company operating certificate holder* means the passenger vehicle for hire company owner and/or the supporting service provider issued a company operating

certificate for the operation of a passenger vehicle for hire company.

*Contract vehicle* means any passenger vehicle for hire that provides contract transportation to passengers for compensation by prearrangement with the passenger vehicle for hire company, that does not accept other passengers indiscriminately between points along highways and that does not accept compensation from any passenger. No contract vehicle shall engage in cruising or be operated on call or demand.

*Cruising* means the movement of a passenger vehicle for hire over public streets, airport terminal roadways or public vehicular areas in search of passengers or for the purpose of attracting passengers. No passenger vehicle for hire, other than a taxicab, shall engage in cruising or be operated on call or demand.

*Driver* means any person who physically operates a passenger vehicle for hire.

*Driver's permit* means the license issued by the passenger vehicle for hire manager to any person to enable that person to operate a passenger vehicle for hire.

*Foreign* means a for hire vehicle company based outside of the corporate limits of the City of Charlotte, and within the United States of America, that does not regularly operate within the corporate limits of the City of Charlotte, and does not possess a company operating certificate.

*For hire* means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, remuneration or profit is paid to, accepted by, or received by the driver or an employee or the company operating certificate holder operating any passenger vehicle for hire in exchange for the temporary use by or for the transportation of a person as a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge.

*Habitual criminal activity* means a minimum of at least three convictions of class 2 misdemeanors or higher.

*Habitual violator of traffic laws* means an individual who has accrued at least eight points on his or her driver's license within a three year period, or six convictions of any type of traffic or moving offense within a ten year period.

*Habitual User of Alcoholic Beverages or Drugs* means a person who has, at a minimum, two or more alcohol or drug related misdemeanors or alcohol or drug-related violations of North Carolina law or City ordinances within a three year period.

~~*Independent owner driver* means a person, self-employed, who engages in the business of operating a single passenger vehicle for hire, as its owner and driver.~~

*Limousine* means 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* means 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* means those vehicles that provide executive transportation services and are necessarily limited to full-sized luxury sedans. The PVH manager shall maintain a list of all the types of vehicles that will be approved to operate as a limousine sedan.

*Limousine service* means 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.

*Manager, PVH manager, and passenger vehicle for hire manager* mean the city employee, agent or contractor responsible for the enforcement and inspection of passenger vehicles for hire in the city and for the administration of the passenger vehicle for hire office and this article. For purposes of this article, reference to the manager, PVH manager, or the passenger vehicle for hire manager shall include any city employees, agents or contractors designated by the passenger vehicle for hire manager to assist in the enforcement and administration of this article, as provided in subsection 22-28(a).

*Manifest* means a daily record, prepared by the driver, of all trips made by the passenger vehicle for hire, showing the time and place of origin, the destination of each trip and the amount of the fare.

*Nonmetered passenger vehicle for hire* means a passenger vehicle for hire, other than a taxicab, that is not equipped with a meter and that is operated by a driver under a prearrangement for a fixed fee based on a fee schedule filed with the passenger vehicle for hire board. No nonmetered passenger vehicle for hire shall engage in cruising or be operated on call or demand.

*Operate, operating, or operated* means that a vehicle that is under the control of a person and which is in motion or which has the engine running. A passenger vehicle for hire may be operated for personal purposes by the individual who owns the vehicle, so long as they are not transporting anyone other than themselves or members of the driver's immediate family.

*Para-transit vehicle* means any passenger vehicle for hire that provides transportation to passengers with disabilities or physical impairments for compensation by prearrangement with the passenger vehicle for hire company and

that does not include the acceptance of passengers indiscriminately between points along highways. A para-transit vehicle shall not include any transportation services to passengers with disabilities or physical impairments being offered by any governmental agency as a public purpose or by medical facilities exclusively to the patients of the medical facility. No para-transit vehicle shall engage in cruising or be operated on call or demand.

*Passenger vehicle for hire* means any vehicle (including limousines) licensed by and registered with the North Carolina or South Carolina Department of Motor vehicles (or equivalent state agency). A passenger vehicle for hire, which is operated by a driver and provides for hire transportation services, as defined in this section. A passenger vehicle for hire shall not include motor vehicles or motor vehicle carriers as defined in G.S. 62-259—62-279 or hotel courtesy vehicles that provide transportation services solely to patrons of the hotel. No passenger vehicle for hire, other than a taxicab, shall engage in cruising or be operated on call or demand.

*Passenger vehicle for hire board* means a board created pursuant to division 5 of this article to carry out the responsibilities contained in this article.

*Passenger vehicle for hire company* means any company issued a company operating certificate that engages in the business of operating passenger vehicles for hire as an owner or franchisor.

*Prearrangement* means an agreement to provide transportation by registration in advance of boarding from a specific location by a nonmetered passenger vehicle for hire. A driver or company must be able to demonstrate prearrangement by showing a copy of a written or electronic reservation for service from a specific location, at a specific date and time, to travel to specific destinations. All passenger vehicles for hire (except taxicabs) must be able to present written or electronic proof of a reservation. Rates will be established in one-hour increments for a minimum of a one-hour period without regard to whether the trip requires less than one hour or not or by specific written contract. The key factor in determining the cost of a prearranged non-metered passenger vehicle for hire service shall be the length of time the vehicle is in use, measured in hourly increments or an agreed-upon fixed rate by written contract. Prearrangement does not include the hailing or other oral request for immediate transportation service from a public street location or public vehicular area as the pickup location.

*Rate notice* means the card, displayed upon and within a passenger vehicle for hire, describing the schedule of fares charged by the passenger vehicle for hire and posted in accordance with section 22-253.

*Registered vehicles* means the maximum number of vehicle operating permits issued to a passenger vehicle for hire company for at least eight consecutive months of a calendar year.

*Shuttle van* means any passenger vehicle for hire that provides shuttle

transportation to passengers to or from prescribed locations such as hotels, motels, shopping centers, business or commercial buildings, factories, stadiums, coliseums 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.

*Special services permit* means a license issued by the passenger vehicle for hire manager, or his designee, to a company operating certificate holder, allowing the company operating certificate holder to provide taxicab service different from the service described in this article, as provided in subsection 22-30(1)d.

*Sport utility vehicle (SUV)* means a luxury class four door SUV with top-end accommodation for executive transportation services. This is a non-metered vehicle with low-profile vehicle markings (same as limousine sedan requirements) used to transport persons by prearrangement. The passenger vehicle for hire manager shall make the final determination whether a specific SUV meets the luxury classification, for the purposes of determining vehicle identification (lettering and logo) requirements.

*Street* means any road, alley, avenue, highway, terminal roadway or any other public vehicular area within the corporate limits as they may exist or may be extended.

*Supporting service provider* means the person who or company that satisfies, or guarantees to satisfy, the requirements of subsections 22-64(6) and 22-66(2).

*Taxicab* means any motor vehicle seating nine or fewer passengers and driver operated for hire upon any street on call or demand.

*Vehicle decal* means an annually issued, nontransferable, numbered insignia providing exterior identification that a particular passenger vehicle for hire has a valid vehicle operating permit.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks. This term shall not include mopeds or electric personal assistive mobility devices as defined in North Carolina General Statutes § 20-4.01 (7a).

*Vehicle operating permit* means the license, issued by the passenger vehicle for hire manager, authorizing a person to operate a passenger vehicle for hire.

*Vehicle operating permit holder* means the vehicle owner and/or the supporting service provider issued a vehicle operating permit for the operation of a passenger vehicle for hire.

**(Ord. No. 3065-X, 8-22-2005)**

**Cross reference—Definitions generally, § 1-2.**

**Sec. 22-28. - Passenger vehicle for hire office created; manager's reports, recommendations and duties generally.**

(a) The passenger vehicle for hire office is hereby created, and it shall be administered by a passenger vehicle for hire manager, who is hereby appointed the passenger vehicle for hire inspector. The passenger vehicle for hire manager shall be appointed by the city manager, or his designee. The passenger vehicle for hire manager may appoint or designate other city employees, agents, contractors or inspectors as may be necessary to assist the passenger vehicle for hire manager in enforcing this article.

(b) The passenger vehicle for hire manager shall advise the city manager, or his designee, on matters covered or incidentally involved in the operation or administration of this article. The passenger vehicle for hire manager shall make such reports to the city manager, or his designee, and the city council as may be required. The passenger vehicle for hire manager shall make recommendations to the city manager on whether applicants for a company operating certificate and/or vehicle operating permit meet the eligibility criteria set out in sections 22-66 and 22-106.

(a)(c) The passenger vehicle for hire manager is charged with the duties required of him in this article and, in general, shall be responsible for, or may contract for, the inspection of passenger vehicles for hire and the licensing of the drivers.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-29. - Limitation on number of certificates and permits.**

(a) Pursuant to subsection 22-182(c), the passenger vehicle for hire board may recommend to the city council limitations on the number of company operating certificates, vehicle operating permits or driver's permits to be issued by the city during any calendar year. The city council may impose separate limits on each type of certificate, permit, vehicle or vehicle for hire service where the public convenience so warrants. Limits imposed under this section shall be applied to initial and renewal applications for certificates or permits. The decision to limit the number of certificates and permits shall be solely within the discretion of the city council following the recommendation of the passenger vehicle for hire board. The burden of showing that public convenience requires the issuance of such permits rests with and shall be the responsibility of the certificate or permit holder.

(a)(b) At least once every three years, the passenger vehicle for hire board shall consider and recommend to the city council whether limits shall be imposed on the number of company operating certificates, vehicle operating permits or driver's permits to be issued by the city.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-30. - Types of service.**

Passenger vehicles for hire are authorized to provide the following types of service:

(1)Taxicabs. A taxicab may provide the following types of service:

a. Exclusive ride. A service involving the transportation of a party by a taxicab from a single origin to a single destination for compensation;

b. Group ride. A service involving the transportation of several passengers by a taxicab from a single origin to a single destination for compensation;

c. Shared ride. A service involving the transportation of several passengers by a taxicab from one or more origins to one or more destinations for compensation, as described in subsection 22-31(g); and

d. Special service. An unusual and unique service essentially different from typical taxicab services as described in subsections (1)a.—c. of this section, requiring a special service permit issued by the passenger vehicle for hire manager. Services under this subsection include, but are not limited to, fixed route service, paratransit 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 passenger vehicle for hire manager, 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 passenger vehicle for hire manager. 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 by the city manager, or his designee.

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.

(2) *Contract vehicle.* A contract vehicle shall provide service involving the transportation of passengers for compensation by prearrangement with a passenger vehicle for hire company and which does not accept passengers indiscriminately between points along highways and does not accept compensation from any passenger. A contract vehicle shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.

(3) *Shuttle van.* A shuttle van shall provide service involving shuttle transportation of passengers to or from prescribed locations such as hotels, motels, shopping centers, business or commercial buildings, factories, stadiums, coliseums or theaters by prearrangement for a fee, pursuant to a contract or agreement, and which does not accept or discharge passengers indiscriminately between prescribed locations. A shuttle van shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.

(4) *Para-transit vehicle.* A para-transit vehicle shall provide service involving the transportation of passengers with disabilities or physical impairments for compensation by prearrangement with the passenger vehicle for hire company and which does not include the acceptance of passengers indiscriminately between points along highways. A para-transit vehicle shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.

(5) *Nonmetered passenger vehicle for hire.* A nonmetered passenger vehicle for hire shall provide service involving transportation of passengers on the basis of prearrangement for which passengers are charged a fixed fee not computed by a taximeter. A nonmetered passenger vehicle shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.

(1)(6) *Limousine and limousine sedan or SUV.* A limousine, limousine sedan and SUV shall provide the following services:

a. Service regularly rendered to the public, not over fixed routes, which furnishes transportation by limousines, limousine sedans, and SUVs for hire, based on a fee determined by increments of time and contracted for by telephone or other prearrangement with a passenger vehicle for hire company. No limousine, limousine sedans, or SUV shall be operated as a taxicab by engaging in cruising or providing service on call or demand.

a.b. Special temporary service, which is an infrequent and unusual service requiring the pooling of foreign or unpermitted limousines and requiring a special temporary service permit to be issued by the passenger vehicle for hire manager. Special temporary services under this subsection include, but are not limited to, pooling arrangements to service the needs created by one-time citywide tourism events. The passenger vehicle for hire manager shall be authorized to issue special temporary service permits allowing duly licensed limousine companies to associate with foreign or other unpermitted passenger vehicle for hire companies to meet the demand of the special event. For purposes of this article, all foreign and unpermitted passenger vehicle for hire companies, operating under a special temporary service permit issued under this subsection, shall be deemed a member of the company operating certificate holder's fleet. A special temporary service permit shall be issued only after compliance with the following conditions:

1. Applications for a special temporary service permit shall be submitted by the company operating certificate holder, called the applicant, to the passenger vehicle for hire manager. All applications shall contain the following information:
  - i. A description of the special event;
  - ii. The requested number of passenger vehicles for hire sought;
  - iii. An explanation of why the proposed service is necessary and that the existing number of permitted passenger vehicles for hire (by type) is inadequate;
  - iv. The name and address of each foreign company and, if a foreign company is a corporation, a certified copy of the articles of incorporation, or if such foreign company is an association, a certified copy of the bylaws of the association;
  - v. The number of passenger vehicles for hire presently operated by the applicant on the date of such application, if any;
  - vi. The make, model, vehicle owner, vehicle identification number, license plate number, and passenger capacity of all passenger vehicles for hire for which application for a company operating certificate is made;
  - vii. Certificates of insurance or copies of the insurance declaration page for each passenger vehicle for hire planned for use, showing policy number, coverage

limits, and vehicle year, make, model and vehicle identification number;

- viii. A list of all company owners and drivers to include full name, driver's license number, social security number, and date of birth; and
- ix. The applicant shall swear that the information submitted is neither false nor misleading. Submitting, or causing to be submitted, false or misleading information is unlawful and shall be grounds for denial of a special temporary service permit and may subject the company operating certificate to revocation.

2. The company operating certificate holder and foreign passenger vehicle for hire owner shall agree to be jointly and severally responsible for the conduct and actions of the foreign company while the foreign company provides the special temporary service and shall ensure compliance with the applicable sections of this article. Each foreign passenger vehicle for hire shall provide evidence of insurance at the limits required by the passenger vehicle for hire manager.

3. Approval and operation under a special temporary service permit shall be contingent upon satisfaction of any condition placed on the special temporary service permit holder by the passenger vehicle for hire manager. Failure to satisfy the conditions of the special temporary service permit shall be grounds for revocation of the permit.

4. Fees for the application of special temporary service permits shall be set by the city manager, or his designee.

5. A special temporary service permit shall not exceed seven days in duration. Any vehicle that operates pursuant to a special temporary service permit shall display a valid temporary service permit decal issued by the passenger vehicle for hire manager.

6. Unless specifically exempted in the special temporary service permit, each limousine operating pursuant to a special temporary service permit shall be subject to each and every section of this article.

7. Nothing contained in this subsection shall relieve the holder of a special temporary service permit from obtaining any and all

necessary approvals as may be required to operate at the airport or from paying any fees required by the airport.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-31. - Conduct of certificate holders, permit holders, drivers.**

- (a) No company operating certificate holder, vehicle operating permit holder, driver shall deceive or attempt to deceive any passenger who may ride or desire to ride in his passenger vehicle for hire in any manner, especially as to destination or the rate of fare to be charged.
- (b) No company operating certificate holder, vehicle operating permit holder, driver shall transport, or cause to be transported, any passenger to any place other than as directed by the passenger. In no event shall any company operating certificate holder or vehicle operating permit holder direct, encourage or allow any driver providing passenger vehicle for hire service to take a longer route than reasonably necessary to the requested destination, unless the driver is so requested by the passenger, except for shared ride service provided for in subsection (h). In addition, in no event shall any driver providing passenger vehicle for hire service take a longer route than reasonably necessary to the requested destination, unless the driver is so requested by the passenger, except for shared ride service provided for in subsection (gh).
- (c) Drivers shall comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken.
- (d) No driver shall have in his possession a lit cigarette, cigar, pipe or tobacco of any kind or incense while operating a passenger ~~is being transported in~~ his passenger vehicle for hire.
- (e) Except for duly licensed taxicabs, no company operating certificate holder or vehicle operating permit holder shall operate or allow the operation of any passenger vehicle for hire on call or demand or to engage in cruising or otherwise operate as a taxicab. No driver of any passenger vehicle for hire, except for a taxicab, shall operate a passenger vehicle for hire on call or demand, engage in cruising, or otherwise operate as a taxicab.
- (f) No driver of any taxicab shall at any time solicit passengers by any word, sign, signal (audible or otherwise) or gesture or use any word, sign, signal (audible or otherwise) or gesture to solicit patronage, annoy any person, obstruct the movement of any person or traffic or follow any person, except that within a taxicab stand, as designated in subsection 22-32(a), a

driver of any taxicab located inside his vehicle or outside, but within ten feet of the taxicab, may solicit passengers by word, sign or gesture. Except as provided by this subsection, a driver of any taxicab may not solicit or have any other person solicit passengers on the driver's behalf. Nothing in this subsection shall prohibit a driver of any taxicab from alighting to the street or sidewalk for the purpose of assisting passengers into or out of his taxicab. Notwithstanding in this subsection, no driver of a passenger vehicle for hire, except taxicabs, as permitted, shall at any time solicit passengers by any word, sign, signal (audible or otherwise), gesture or by cruising.

- (g) No driver shall allow the seating capacity of his passenger vehicle for hire to exceed manufacturer's specifications.
- (h) If agreed to by the first passenger, a taxicab carrying passengers may answer other calls or pick up additional passengers, prior to taking the first passenger to his destination, provided the first passenger agrees to the amount of additional time required for the exclusive-ride trip as estimated in advance by the driver. Taxicab drivers shall specify any fare discounts authorized by the passenger vehicle for hire board to passengers participating in ridesharing. If the original passenger is a person under 18 years of age and is unaccompanied by a person 18 years of age or older, no other passengers shall be permitted in the taxicab unless permission is given in a prearranged contract by the contracting parties.
- (i) No company operating certificate holder, vehicle operating permit holder, or driver shall refuse or neglect to transport any person on the basis of race, color, religion, sex or national origin. In addition, no company operating certificate holder, vehicle operating permit holder, or driver shall refuse or neglect to transport any person on the basis of disability when such service can be provided to a person with a disability with reasonable accommodation.
- (j) No company operating certificate holder, vehicle operating permit holder, or driver shall refuse or neglect to transport any person requesting service on the basis of the time of day of the request or on the basis of the geographical area of the city to be served.
- (k) A driver may refuse or neglect to transport an orderly person upon request, only if the driver has made visual contact with the person and formed a belief that is reasonable under the circumstances that transporting such person might be unsafe for the driver, or the driver has the "off-duty" placard displayed prior to the request for service by a prospective passenger. Nothing contained in this subsection shall authorize a driver to refuse or neglect to transport any person as a pretext to the driver's

noncompliance with subsections (i) and (j).

- (l) No company operating certificate holder, vehicle operating permit holder, or driver shall knowingly use, sell, handle or transport illegal or controlled substances at any time while operating a passenger vehicle for hire. In addition, no driver shall give any information to any passenger as to where or how illegal or controlled substances may be obtained.
- (m) No company operating certificate holder, vehicle operating permit holder, or driver shall maintain, use or possess a scanner or device capable of intercepting telephonic communications while operating a passenger vehicle for hire.
- (n) No company operating certificate holder, vehicle operating permit holder, or driver shall knowingly solicit, procure or give information in regard to or transport any passenger to any person for the purpose of prostitution.
- (o) All company operating certificate holders, vehicle operating permit holders, and drivers shall provide prompt, efficient service and shall be courteous at all times to the general public, to other passenger vehicle for hire drivers, to the passenger vehicle for hire manager and to any officer of the Charlotte-Mecklenburg Police Department.
- (p) No company operating certificate holder, vehicle operating permit holder, or driver shall operate or allow a vehicle to be operated in a manner which threatens, endangers or abuses a passenger or the general public.
- (q) No driver shall operate a passenger vehicle for hire while consuming, while under the influence of or while having the odor of an alcoholic beverage or controlled substance on or about his person. No company operating certificate holder or vehicle operating permit holder shall allow any driver to operate a passenger vehicle for hire while consuming, while under the influence of or while having the odor of an alcoholic beverage or controlled substance on or about his person.
- (r) Any driver charged with a criminal offense or infraction shall notify the passenger vehicle for hire manager within 24 hours and shall produce evidence of the disposition of the case as soon as it is available. Failure to do so will result in the suspension of the driver's permit.
- (s) Company operating certificate holders and vehicle operating permit holders shall be responsible for the compliance of their affiliated drivers with this section. Failure of a driver to comply with this section may result in the issuance of citations to the passenger vehicle for hire company

and/or the driver pursuant to section 22-33.

- (f) No driver shall operate a passenger vehicle for hire within the city without a valid North Carolina or South Carolina driver's license for the type of vehicle to be operated or while his driver's license is suspended or revoked.
- (u) No company operating certificate holder, vehicle operating permit holder, or driver shall fail or refuse to surrender his company operating certificate, vehicle operating permit, vehicle decal, and/or driver's permit following a decision of the passenger vehicle for hire board not to renew or to suspend or revoke a company operating certificate, vehicle operating permit, or driver's permit pursuant to section 22-183.
- (v) No company operating certificate holder or vehicle operating permit holder shall operate or allow the operation of a passenger vehicle for hire under a company operating certificate or vehicle operating permit that is in a state of suspension or revocation.
- (w) No driver shall operate a passenger vehicle for hire while his driver's permit is in a state of suspension or revocation.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-32. - Taxicab stands.**

- (a) The passenger vehicle for hire manager and the city's director of transportation, or their designees, shall jointly establish and designate taxicab stands.
- (b) Taxicabs shall enter designated taxicab stands from the rear only, and each taxicab therein must be heading in the direction of the exit. No taxicab shall stop at a taxicab stand unless there is a vacancy therein. Unless a passenger requests otherwise, taxicabs shall exit taxicab stands in the order in which they enter. Drivers shall remain in their taxicabs or within the taxicab stand so that normal operations of the taxicab stand are maintained. Taxicab drivers may leave the taxicab stand only in an emergency or to assist passengers.
- (c) No passenger vehicle for hire, except a taxicab, shall use taxicab stands in the city.
- (d) A list of all taxicab stands in the city shall be kept on file in the passenger vehicle for hire office and shall be open to inspection by the public.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-33. - Penalties.**

- (a) It shall be unlawful for any person to violate any of the sections of this article.
- (b) Upon violation of any section of this article, the passenger vehicle for hire manager, or his designee, may suspend or revoke the company operating certificate, the vehicle operating permit, and/or the driver's permit held by such person.
- (c) The initial violation of any section of this article shall subject the offender to a civil penalty of up to the following:
  - (1) Class A offense \$200.00
  - (2) Class B offense 100.00
  - (3) Class C offense 50.00

Class A, class B and class C offenses shall be those offenses listed in subsection (d).

Upon the failure of an offender to pay the civil penalty or appeal the violation, such penalty may be recovered by the city in a civil action in the nature of a debt. The enforcement of this article by civil citation shall follow the procedures set out in Section 2-24 of the City Code.

- (d) Progressive penalties may be applied for repeated violations of this article. When it is determined by the passenger vehicle for hire manager, or his designee, that the same company operating certificate holder, vehicle operating permit holder, or driver, has committed a second or a series of violations of this article within any 12-month period, progressive penalties may be imposed. If progressive penalties are imposed, progressive penalties shall be assessed by the passenger vehicle for hire manager and may be recovered by the city in a civil action in the nature of a debt. The progressive penalties shall be assessed in accordance with the following schedules:

**PASSENGER VEHICLE FOR HIRE PENALTY SCHEDULES**

- (1) *Class A offenses.*

a. Penalties for class A offenses committed by company owners shall be as follows:

1. Second violation of this article \$ 500.00
2. Third violation of this article 1,000.00
3. Fourth or subsequent violation of this article 2,000.00

b. Penalties for class A offenses committed by drivers or vehicle owners shall be as follows:

1. Second violation of this article \$300.00
2. Third violation of this article 500.00
3. Fourth or subsequent violation of this article 750.00

c. A person may be charged with a class A offense by operating a passenger vehicle for hire within the city without:

1. First having obtained a company operating certificate authorizing such operation as required by section 22-61.
2. First having obtained a vehicle operating permit authorizing such operation as required by section 22-101.
3. Having first obtained a passenger vehicle for hire driver's permit as required by section 22-141.
4. A valid driver's license for the type of vehicle being operated or while his driver's license is suspended or revoked as prohibited by section 22-31(st).
5. Owning and operating a company providing passenger vehicle for hire services without having a valid company operating certificate issued by the passenger vehicle for hire manager required by section 22-61.
6. (Taxicabs only) A functional backseat credit card payment device required by section 22-288 (5) (pp).

(2) *Class B offenses.*

a. Penalties for class B offenses shall be as follows:

1. Second violation of this article  
\$200.00
2. Third violation of this article 300.00
3. Fourth or subsequent violation of this article 400.00

b. A person may be charged with a class B offense by:

1. Operating a passenger vehicle for hire within the city without displaying a passenger vehicle for hire driver's permit displayed in violation of subsection 22-146(b).
2. Operating a passenger vehicle for hire for a company operating certificate holder other than the company operating certificate holder shown on the driver's permit in violation of subsection 22-146(c).
3. Operating a passenger vehicle for hire within the city while the vehicle operating permit is expired in violation of section 22-107.
4. Operating a passenger vehicle for hire within the city with an expired passenger vehicle for hire driver's permit in violation of subsection 22-146(ed).
5. Deceiving or attempting to deceive a passenger who may ride or desire to ride in a passenger vehicle for hire in any manner, especially as to destination or the rate of fare to be charged in violation of subsection 22-31(a).
6. Transporting or causing to be transported any passenger to any place other than as directed by the passenger in violation of subsection 22-31(a).
7. Taking a longer route to the requested destination than is reasonably necessary in violation of subsection 22-31(a).
8. Failing to comply with all reasonable and lawful requests

of the passenger as to the speed of travel and the route to be taken in violation of subsection 22-31(b).

9. Failing to be dressed in a way so as to convey a neat and clean appearance in violation of section 22-220.
10. Charging the passenger more than the fare shown on the taximeter or rate filed with the passenger vehicle for hire manager in violation of subsection 22-256(a).
11. Refusing to give a passenger a receipt showing the passenger vehicle for hire vehicle operating permit number, the driver's permit number and the date and the amount of fare paid in violation of subsection 22-256(b).
12. Operating a taxicab which is occupied by a person other than the driver without having the meter on and operating in violation of subsection 22-289(b).
13. Transporting another passenger except the driver and any person who may be accompanying a fare-paying passenger in violation of section 22-222.
14. Failing to report an accident involving the operation of a passenger vehicle for hire in violation of section 22-221.

**(3)** *Class C offenses.*

**a.** Penalties for class C offenses shall be as follows:

1. Second violation of this article \$100.00
2. Third violation of this article 200.00
3. Fourth or subsequent violation of this article 300.00

**b.** A person may be charged with a class C offense by:

1. Having in his possession a lit cigarette, cigar, pipe, tobacco of any kind or incense while any passenger is being transported in a passenger vehicle for hire in violation of subsection 22-31(c).

2. Allowing the seating capacity of a passenger vehicle for hire to be exceeded in violation of subsection 22-31(fg).
3. Refusing or neglecting to transport any person upon request in violation of subsection 22-31(h).
4. Failing to remain in his passenger vehicle for hire or within a taxicab stand in violation of subsection 22-32(b).
5. Failing to operate a passenger vehicle for hire in accordance with the laws of this state and this Code and other city ordinances in violation of subsection 22-212(a).
6. Operating a passenger vehicle for hire at a rate of speed inconsistent with existing traffic regulations, road conditions, hazards at intersections and other conditions then existing in violation of subsection 22-212(b).
7. Operating a passenger vehicle for hire in violation of any of the remaining sections of this article.

- (e) If a person fails to pay or appeal a penalty within ~~30~~60 days after the city's mailing of the notice of violation, the passenger vehicle for hire manager ~~may~~shall suspend or revoke the person's company operating certificate, vehicle operating permit, and/or driver's permit in addition to any other action taken pursuant to this article.
- (f) A civil penalty shall be assessed against a company owner who fails to file an application to renew their company operating certificate prior to the expiration of their company operating certificate. This penalty shall be in the amount of \$100.00 per day for each day beginning on the first day following the expiration of the company operating certificate when that the company owner has not applied to renew their company operating certificate.
- (g) Civil penalties may be levied against the passenger vehicle for hire company according to the total amount of civil penalties incurred during a calendar year by the passenger vehicle for hire drivers employed or contracted by or affiliated with the passenger vehicle for hire company. The amount of civil penalties shall be determined by the number of passenger vehicles for hire operated by the company and the total amount of civil penalties incurred annually by the drivers for the company, as follows:

Number of Registered Vehicles	Penalties
1—15	Annually, each \$750.00 in driver penalties shall result in a civil penalty of \$5,000.00
16--30	Annually, each \$1,250.00 in driver penalties shall result in a civil penalty of \$5,000.00
31--50	Annually, each \$2,500.00 in driver penalties shall result in a civil penalty of \$5,000.00
51--75	Annually, each \$3,750.00 in driver penalties shall result in a civil penalty of \$5,000.00
Over 75	Annually, each \$5,000.00 in driver penalties shall result in a civil penalty of \$5,000.00.

The passenger vehicle for hire manager shall notify the passenger vehicle for hire company of any citations issued to a driver employed, contracted by or affiliated with the passenger vehicle for hire company. The notice shall be sent to the company shown on the driver's permit.

- (h) In addition to the authority under this article to deny, suspend or revoke a certificate or permit, the city may seek enforcement of this article by instituting a civil action for injunctive relief, an abatement order or any other appropriate relief in the superior court of the county.
- (i) No company operating certificate, vehicle operating permit, and/or driver's permit shall be renewed if any civil penalty assessed under this article is unpaid or outstanding.
- (j) Any and all penalties assessed against any driver shall remain the obligation of the driver regardless of any change in his company affiliation.
- (k) This article may be enforced by one, all or a combination of the remedies authorized and prescribed by this article, section 2-21 of the City's Code and state law.

**(Ord. No. 3065-X, 8-22-2005)**

**Sec. 22-34. - Appeals.**

Persons found to be in violation of this article may appeal such violation directly to the chair of the passenger vehicle for hire board pursuant to section 22-151 of this article.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-35. - Enforcement by police.**

Officers of the Charlotte-Mecklenburg Police Department shall assist in the enforcement of this article. A police officer observing a violation of this article shall take necessary enforcement action to ensure the effective regulation of passenger vehicle for hire service in the city.

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-36—22-60. - Reserved.**

**DIVISION 2. - COMPANY OPERATING CERTIFICATE**

Sec. 22-61. - Required.

Sec. 22-62. - Issuance.

Sec. 22-63. - Authorization to operate taxicab under company operating certificate.

Sec. 22-64. - Application requirements.

Sec. 22-65. - Hearing on application.

Sec. 22-66. - Issuance conditions; denial.

Sec. 22-67. - Expiration.

Sec. 22-68. - Renewal.

Sec. 22-69. - Transferability.

Sec. 22-70. - Grounds for suspension or revocation; hearing.

Sec. 22-71. - Appeal of suspension or revocation.

Sec. 22-72. - Procedure upon appeal of suspension or revocation.

Sec. 22-73. - Surrender of certificate, permit and decals after revocation.

Sec. 22-74. - Fees.

Secs. 22-75—22-100. - Reserved.

**Sec. 22-61. - Required.**

No person shall operate any passenger vehicle for hire in the city without first having obtained a company operating certificate authorizing the operation of such business.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-62. - Issuance.**

- (a) The city council authorizes the city manager, or his designee, to issue a company operating certificate to any applicant, subject to such conditions as the city council may deem advisable or necessary in the public interest, and upon payment of a regulatory fee provided by section 22-74. A separate company operating certificate shall be required for each class of passenger vehicle for hire company, except limousines, limousine sedans, and SUVs may be operated under a single company operating certificate so long as the certificate authorizes such on its face. A company operating certificate shall be valid for a period of one year and may be renewed annually upon the approval of the city manager, or his designee, and the payment of the regulatory fees provided by section 22-74.
- (b) No company operating certificate shall be issued to or renewed by any person who shall not have fully complied with all of the requirements of this article before the commencement of the operation of the proposed service.
- (c) No company operating certificate shall be issued or renewed unless the applicant presents a financial statement to the passenger vehicle for hire manager. The financial statement shall be in the name of the passenger vehicle for hire requesting the certificate, and any bank accounts identified on the financial statement shall have been opened for at least 30 days prior to the certificate application date. ~~In addition, the applicant shall provide a written statement verifying that the applicant is not currently a named party to any bankruptcy proceeding and that the applicant has not been a named party to any bankruptcy proceeding within seven years prior to the date of the certificate application date.~~
- (d) Each company operating certificate shall specify the type of passenger vehicles for hire which the company operating certificate holder is authorized to operate under that certificate. No passenger vehicle for hire company shall operate in a manner except as authorized by the company operating certificate.
- (1) In addition, no company operating certificate shall be issued to or renewed by any company that ~~shall~~ has not ~~have~~ maintained and operated the following minimum number of vehicles for each type of use:
- a. Thirty taxicabs;
  - b. One nonmetered passenger vehicle for hire;

- c. One contract vehicle;
  - d. One para-transit vehicle;
  - e. One shuttle van;
  - f. One limousine; or
  - g. Such other number equivalent to the number of vehicle operating permits requested.
- (2) However, the minimum number of taxicabs required for a company operating certificate holder to operate shall vary based on the following number of accessible vehicles and the number of alternative-fuel vehicles owned, maintained and operated by the company operating certificate holder. Each accessible vehicle shall equal five taxicabs towards the minimum number of taxicabs required by section 22-62 (d) (1). Each alternative-fuel vehicle shall equal three taxicabs towards the minimum number of taxicabs required by section 22-62 (d) (1). ~~Therefore, to obtain a company operating certificate to provide taxicab service, a company must have the following:~~
- a. ~~A minimum of 30 taxicabs, if the company has no accessible vehicles;~~
  - b. ~~A minimum of 25 taxicabs, if the company has one accessible vehicles;~~
  - c. ~~A minimum of 20 taxicabs, if the company has two accessible vehicles;~~
  - d. ~~A minimum of 15 taxicabs, if the company has three accessible vehicles;~~
  - e. ~~A minimum of ten taxicabs, if the company has four accessible vehicles; or~~
  - f. ~~A minimum of five taxicabs, if the company has five accessible vehicles.~~
- (3) Pursuant to section 22-182 of this article and upon the recommendation of the passenger vehicle for hire board and

approval by the city council, the city may impose limitations on the number of company operating certificates, vehicle operating permits or driver's and may require a minimum number of accessible vehicles and alternative-fuel vehicles for companies providing taxicab service.

- (e) When the company operating certificate has been issued for a passenger vehicle for hire company pursuant to this article and a vehicle operating permit has been authorized for a vehicle for hire pursuant to this article, and, with respect to taxicabs, upon determination by the passenger vehicle for hire manager that the color scheme for the taxicab company is sufficiently distinctive so as not to cause confusion with other taxicabs already operating, the passenger vehicle for hire manager, upon receipt of a fee for each vehicle operating permit and for each vehicle decal pursuant to section 22-74, will issue for each passenger vehicle for hire a vehicle operating permit and numbered vehicle decal.
  - (1) Display requirements of vehicle decals shall be as follows:
    - a. *Limousines, limousine sedans, and SUVs.* Limousines, limousine sedans, and SUVs shall display a numbered decal on the lower right front windshield for which the vehicle operating permit is issued. Any loss, destruction or defacement of the vehicle decal shall be reported to the passenger vehicle for hire manager.
    - b. *All other passenger vehicles for hire.* A vehicle decal shall be affixed to the inside lower left rear window portion of the passenger vehicle for hire for which the vehicle operating permit is issued, in plain view from the rear of the passenger vehicle for hire.
  - (2) No vehicle shall be operated without a vehicle decal affixed thereto and issued pursuant to this subsection unless, pursuant to this division, the vehicle's use as a passenger vehicle for hire has been authorized and the driver of the vehicle has been authorized to drive a passenger vehicle for hire for the company operating certificate holder to whom the vehicle decal was issued.
- (f) The privilege of engaging in the business of operating a passenger vehicle for hire in the city authorized in the company operating certificate is personal to the company operating certificate holder and limited to the specific type of vehicle(s) permitted therein. The rights, requirements and responsibilities which attach to the company operating certificate remain with the holder at all times that the passenger vehicle for hire is operating in the city under the authority of the company operating certificate. These rights, requirements and responsibilities which include, but are not limited to, the requirements of this

article will remain unaffected by any agreement or contractual arrangement between the company operating certificate holder, vehicle operating permit holder and/or driver not authorized by this article, regardless of the form or characterization of the agreement between the company operating certificate holder, vehicle operating permit holder and/or driver.

- (g) The company operating certificate holder shall, if there is any change in the business address or telephone number, notify the passenger vehicle for hire manager in writing of such change within 48 hours prior to the effective date of the change.
- (h) Before allowing a driver to operate under a company operating certificate, the company operating certificate holder shall review the qualifications of the driver to operate a passenger vehicle for hire. No company operating certificate holder shall permit or allow any driver to operate a passenger vehicle for hire under the company operating certificate if, after reasonable inquiry by the certificate holder, it appears the driver to operate a passenger vehicle for hire fails to comply with this article.
- (i) The failure of a passenger vehicle for hire company to comply with this section shall subject the company's company operating certificate to revocation or suspension as provided in subsection 22-70(a)(1). Nothing in this section shall be construed as establishing a standard for civil liability for the evaluation of prospective or current passenger vehicle for hire drivers, and a violation of this section shall not be considered as evidence of negligence.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-63. - Authorization to operate taxicab under company operating certificate.**

Nothing contained in this article shall prohibit any person from owning or operating a taxicab under a company operating certificate, provided a person shall:

- (1) Operate under the color scheme of a company operating certificate and use the company's depot or terminal, dispatcher service, radio equipment and meter;
- (2) Have a valid taxicab driver's permit issued by the passenger vehicle for hire manager, as provided in division 4 of this article;
- (3) Have a valid vehicle operating permit, as provided in division 3 of this article, and the vehicle shall display a valid vehicle decal; and

- (4) Be affiliated with a company operating certificate holder at all times.  
(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-64. - Application requirements.**

- (a) All applications for a company operating certificate are to be submitted by the company owner, called the applicant, on forms provided by the passenger vehicle for hire office, which shall contain the following:
- (1) The name and address of each applicant and, if an applicant is a corporation, attaching a certified copy of the articles of incorporation, or if the applicant is an association, attaching a certified copy of the bylaws of the association. Each applicant must disclose all legal names that the applicant has ever used or any and all names they have ever gone by.
  - (2) The number of passenger vehicles for hire, if any, presently operated by the service provider on the date of such application.
  - (3) The color scheme for which the company operating certificate is desired, if the certificate is for a taxicab.
  - (4) The make, type and passenger capacity of the passenger vehicle for hire for which application for a company operating certificate is made.
  - (5) All court records of the applicant. If an applicant is a corporation or association, all court records of the officers, directors and supervising employees, including general manager, if any, shall be provided.
  - (6) The applicant's submittal of the following conditional information:
    - a. Existence of and access to a lawfully zoned depot or terminal on private property;
    - b. Ability to provide radio-dispatched service throughout the corporate limits of the City of Charlotte 24 hours a day, seven days a week, with centralized dispatching, or by other electronic means of dispatch, but not by exclusively using cellular telephone service (except as cellular telephone devices are utilized to access data such as text-based messages or electronic mail). ~~This shall not apply to company operating certificate holders operating fewer than ten taxicabs and four accessible vehicles;~~

- c. Ability to provide adequate supervision of drivers operating under the company operating certificates;
  - d. Evidence that the telephone number of the passenger vehicle for hire company will be listed in the next city telephone directory to be issued and will not be the same telephone number as another passenger vehicle for hire company.
  - e. Assurance that each passenger vehicle for hire operating under this certificate shall be kept clean, in good mechanical condition and in good physical condition at all times;
  - f. Evidence that the applicant satisfies, at the time of the application, the minimum number of passenger vehicles for hire required by subsection 22-62(d); and
  - g. Evidence that the applicant satisfies the insurance limits for passenger vehicles for hire required by section 22-213; and
  - h. Evidence that all advertised services will, in fact, be provided by the applicant, and will not be provided by another passenger vehicle for hire company, even if it is owned by the same company operating certificate holder, unless the passenger knowingly agrees to use another passenger vehicle for hire company.;
- (b) The applicant shall swear that the information submitted in subsection (a) is neither false nor misleading. Submitting, or causing to be submitted, false or misleading information is unlawful and shall be grounds for denial of a company operating certificate.
- (c) In providing information required by subsections (a)(1), (5) and (6), an applicant may simply refer to previous applications and reference previously submitted documents or information, provided there has been no material change with respect to the documents or information.
- (d) No application for a company operating certificate shall be accepted from an applicant who has criminal charges pending against them at the time of application. For purposes of this subsection, pending criminal charges shall not include traffic infractions.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-65. - Hearing on application.**

The city manager, or his designee, may require a hearing with the applicant for a company operating certificate if the passenger vehicle for hire manager is not convinced that the applicant meets all eligibility criteria and has provided all necessary information to the passenger vehicle for hire manager as outlined in subsection 22-64(a).

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-66. - Issuance conditions; denial.**

The passenger vehicle for hire manager shall authorize issuance to every applicant who files an application, as provided in this division, a company operating certificate subject to the conditions this article may require and provided:

- (1) The issuance of the company operating certificate would not be against the public interest based on the applicant's court record, which includes arrests for criminal offenses that are pending in the General Court of Justice of the State of North Carolina or the courts of another state, or the federal courts. However, no application for a company operating certificate shall be approved if the court record of the applicant would not make it in the public interest for the application to be granted. The PVH manager may refuse to grant an application for a company operating certificate if the owner(s) have a court record containing any felony convictions if the PVH manager determines, in his or her discretion, that it is in the public interest to deny the application. Convictions, commissions, ~~and guilty pleas, of guilty or pleas of no~~ contest to any of the following shall require the passenger vehicle for hire manager to deny the application on the grounds that create a rebuttable presumption that the approval of the applicant's application is not in the public interest:

- a. Sex offenses;
- b. Felonious drug offenses;
- c. Prostitution;
- d. Felonies involving violence or attempted violence;
- e. Gambling; and/or
- f. Habitual criminal activity.

Any applicant denied a company operating certificate under this subsection may appeal such denial to the passenger vehicle for hire board. All appeals shall be filed pursuant to section 22-71. No application for a company operating certificate that is denied pursuant to this subsection and for which the denial is affirmed by the passenger vehicle for hire board shall be accepted from the applicant within three years from the decision of the passenger vehicle for hire board.

- (2) The applicant shall have complied with all the sections of this article, including, but not limited to, the provision of:
  - a. A lawfully zoned depot or terminal on private property;
  - b. Radio-dispatched service, 24 hours a day, seven days a week, throughout the corporate limits of the City of Charlotte with centralized dispatching, or by other electronic means of dispatch, but not by exclusively using cellular telephone service (except as cellular telephone devices are utilized to access data such as text-based messages or electronic mail). ~~This shall not apply to company operating certificate holders operating fewer than ten taxicabs and four accessible vehicles only;~~
  - c. Adequate supervision of drivers;
  - d. Evidence that the telephone number for the passenger vehicle for hire company will be listed in the next city telephone directory issued and that all advertised services will, in fact, be provided;
  - e. Assurance that each vehicle operating under this certificate shall be kept clean and in good mechanical condition and in good physical condition at all times;
  - f. Evidence that the applicant satisfies, at the time of the application, the minimum number of passenger vehicles for hire required by subsection 22-62(d); and
  - g. Evidence that the applicant satisfies the insurance limits for passenger vehicles for hire required by section 22-213.

- (3) The passenger vehicle for hire manager shall have determined that the applicant has sufficient funds to operate the projected and actual number of vehicles.
  
- (4) The issuance does not conflict with conditions placed by the city council on the issuance of company operating certificates.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-67. - Expiration.**

All company operating certificates shall expire on a yearly basis on a date determined by the passenger vehicle for hire manager. The company operating certificate shall automatically expire if the conditions for issuing the permit, as provided in section 22-66, change without approval of the passenger vehicle for hire manager.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-68. - Renewal.**

Upon application for renewal of a company operating certificate by the company operating certificate holder, the passenger vehicle for hire manager shall renew any company operating certificate or cause a new company operating certificate to be issued for the ensuing year, in the absence of any contrary evidence regarding the company operating certificate holder's fulfillment of the eligibility criteria provided in section 22-66 and compliance with this article. No renewal application will be accepted from a company operating certificate holder who has outstanding or unpaid citations issued for violations of this Chapter. If a company operating certificate holder has appealed the outstanding citation in accordance with this Article, a renewal application may be accepted, but no decision on the application will be made until the appeal is concluded, and the company operating certificate holder's certificate will not expire until the appeal is concluded. As part of the process of applying for renewal of a company operating certificate, all officers, directors and supervising employees, including general manager, of the company will be required to submit the records of a criminal records check for the officers, directors and supervising employees, including general manager, or authorize the passenger vehicle for hire manager to conduct a criminal records check. No application for renewal shall be considered complete until the results of the criminal records checks are provided to the passenger vehicle for hire manager.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-69. - Transferability.**

- (a) Each company operating certificate issued pursuant to this division is separate and distinct and shall not be transferable by the company operating certificate holder to another person without prior approval of the city manager or his designee. The city manager shall not approve any transfer in conflict with any restrictions placed by the city council, as provided by subsection 22-62(a).
- (b) If the company operating certificate holder is a corporation, partnership or other legal entity other than a natural person, voluntary transfer of the majority of the ownership interest in the corporation, partnership or other legal entity shall result in the automatic revocation of any company operating certificate previously granted to the company operating certificate holder, unless the prospective owners of the new entity obtain prior approval from the city manager, or his designee, for the transfer.
- (c) If an application for transfer of a company operating certificate is made, the city manager, or his designee, shall require the same information required for the original issuance of the operating certificate, as set forth in section 22-64.
- (d) Upon approval by the city manager to transfer a company operating certificate, the passenger vehicle for hire manager, within 90 days of such approval, shall issue a new company operating certificate, provided that the applicant for transfer has complied with all the subsections of this section.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-70. - Grounds for suspension or revocation; hearing.**

- (a) The passenger vehicle for hire manager may suspend or revoke a company operating certificate upon the occurrence of any one of the following:
  - (1) The company operating certificate holder fails to operate his passenger vehicles for hire in compliance with all the sections of this article.
  - (2) The passenger vehicle for hire manager finds that the company operating certificate holder submitted, or caused to be submitted, false or misleading information on his application for an operating certificate.
  - (3) The company operating certificate holder ceases to operate any passenger vehicle for hire during a period of 30 consecutive days.

- (4) The company operating certificate holder of an operating certificate for taxicabs ceases to operate any taxicab, during a period of 30 consecutive days, for a minimum of 20 days at least eight hours a day, without obtaining permission for the cessation from the passenger vehicle for hire manager.
- (5) The company operating certificate holder commits any act with the intent to defraud his passengers.
- (6) The company operating certificate holder ceases to operate the minimum number of passenger vehicles for hire, as required by subsection 22-62(d) of this article.
- (7) The passenger vehicle for hire manager determines that, in the interest of the public safety and welfare, a company operating certificate should be suspended or revoked.
- (b) The passenger vehicle for hire manager may revoke a company operating certificate due to the acts of vehicle operating permit holders, pursuant to section 22-111, and due to acts of drivers pursuant to section 22-150.
- (c) The passenger vehicle for hire manager may revoke or refuse to renew a company operating certificate if the company operating certificate holder has failed to pay any penalty required under section 22-33 in a timely manner.
- (d) A company operating certificate may not be suspended or revoked until the passenger vehicle for hire manager has conducted a hearing on the matters at issue. The holder of the certificate shall have the right to be present at the hearing and shall be given at least 48 hours' advance notice of the hearing.
- (e) Company operating certificates may be suspended under this section for a period not to exceed six months.
- (f) A company operating certificate holder who has had a company operating certificate revoked under this section may not apply for a company operating certificate for a period of six months from the date of the revocation.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-71. - Appeal of suspension or revocation.**

- (a) Upon a finding by the passenger vehicle for hire manager that a company operating certificate should be suspended or revoked or an application for a company operating certificate (initial or renewal) denied, the company

operating certificate holder shall be notified and informed of the manner in which the finding may be appealed.

- (b) The company operating certificate holder may appeal the suspension or revocation of a company operating certificate or denial of an application for a company operating certificate by filing with the passenger vehicle for hire manager, within ten days after the passenger vehicle for hire manager's decision is rendered, written notice of appeal. The notice of appeal shall set forth the reasons why the suspension, ~~or~~ revocation, or denial is improper.
- (c) The suspension or revocation of a company operating certificate shall not become effective until ten days after the decision is rendered. If an appeal is filed within this period, the suspension or revocation shall be stayed pending the final decision of the passenger vehicle for hire board.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-72. - Procedure upon appeal of suspension or revocation.**

Upon the filing of an appeal of a suspension or revocation of a company operating certificate, or denial of an application for a company operating certificate, the passenger vehicle for hire manager shall transmit the notice of appeal to the chair of the passenger vehicle for hire board, who shall schedule a hearing as provided in section 22-183 of this article.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-73. - Surrender of certificate, permit and decals after revocation.**

When a company operating certificate is revoked, the operation as a passenger vehicle for hire service under the company operating certificate shall cease, and the company operating certificate, vehicle operating permit and vehicle decal for all vehicles subject to the company operating certificate shall be surrendered immediately to the passenger vehicle for hire manager.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-74. - Fees.**

Fees to cover the administrative costs for obtaining, renewing, duplicating, transferring and reinstating company operating certificates shall be collected. Fees shall be approved by the city manager and placed on file with the passenger vehicle for hire manager. Other fees permitted by law may also be collected.

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-75—22-100. - Reserved.**

**DIVISION 3. - VEHICLE OPERATING PERMIT**

Sec. 22-101. - Required.

Sec. 22-102. - Issuance.

Sec. 22-103. - Authorization to operate taxicab under permit.

Sec. 22-104. - Application requirements.

Sec. 22-105. - Hearing on application.

Sec. 22-106. - Issuance; denial; posting of permit and decal.

Sec. 22-107. - Expiration.

Sec. 22-108. - Renewal.

Sec. 22-109. - Transferability.

Sec. 22-110. - Retirement and replacement of passenger vehicles for hire; new permits.

Sec. 22-111. - Grounds for suspension or revocation; hearing.

Sec. 22-112. - Appeal of suspension or revocation.

Sec. 22-113. - Procedure upon appeal of suspension or revocation.

Sec. 22-114. - Surrender of permit and decal.

Sec. 22-115. - Fees.

Secs. 22-116—22-140. - Reserved.

**Sec. 22-101. - Required.**

No person shall operate any passenger vehicle for hire in the city without first having obtained a vehicle operating permit for each vehicle to be operated that shall reflect the following:

- (1) The vehicle is affiliated with a company operating certificate holder;
- (2) The vehicle is authorized for such operation; and
- (3) The vehicle, otherwise, meets the requirements of this article.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-102. - Issuance.**

- (a) The passenger vehicle for hire manager is authorized to issue a vehicle operating permit to any applicant subject to such conditions contained in this article and upon payment of a regulatory fee provided by section 22-115. A separate vehicle operating permit shall be required for each

passenger vehicle for hire and shall be restricted by type of service. Vehicle operating permits shall be valid for a period of one year and may be renewed annually upon the approval of the passenger vehicle for hire manager and the payment of a regulatory fee.

- (b) No vehicle operating permit shall be issued to or renewed by any person who shall not be affiliated with a company operating certificate holder and who shall not have fully complied with all of the requirements of this article before the commencement of the operation of the proposed service.
- (c) No vehicle operating permit shall be authorized unless the permit applicant presents a financial statement to the passenger vehicle for hire manager verifying that the applicant has sufficient insurance coverage, as required by this article, for the passenger vehicle for hire.
- (d) Each vehicle operating permit shall specify the type of passenger vehicle for hire authorized to operate under the vehicle operating permit and each type of service the passenger vehicle for hire shall be authorized to provide. No passenger vehicle for hire shall operate in a manner or be used to provide service except as authorized by the vehicle operating permit.
- (e) When the vehicle operating permit has been authorized for a passenger vehicle for hire pursuant to this article, the vehicle operating permit shall be kept at all times in the vehicle for which the vehicle operating permit was issued.
- (f) The vehicle operating permit holder shall, if there is any change in the business address or telephone number, notify the passenger vehicle for hire manager in writing of the change within 48 hours prior to the effective date of the change.
- (g) Before allowing a driver to operate under a vehicle operating permit, the vehicle operating permit holder shall review the qualifications of the driver to operate a passenger vehicle for hire. No vehicle operating permit holder shall permit or allow any driver to operate a passenger vehicle for hire under his vehicle operating permit if, after reasonable inquiry by the vehicle operating permit holder, it appears such driver fails to meet the requirements in this article.
- (h) The failure of a vehicle operating permit holder to comply with this section shall subject the vehicle operating permit holder's vehicle operating permit to revocation or suspension, as provided in subsection 22-111(a)(1).

- (i) Nothing in this section shall be construed as establishing a standard for civil liability for the evaluation of prospective or current passenger vehicle for hire drivers, and a violation of this section shall not be considered as evidence of negligence.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-103. - Authorization to operate taxicab under permit.**

Nothing contained in this article shall prohibit any person from owning or operating a taxicab under a vehicle operating permit, provided:

- (1) A person shall operate under the color scheme of a company operating certificate; and shall use the company's depot or terminal, dispatcher service, radio equipment and meter;
- (2) A person shall have a valid taxicab driver's permit issued by the passenger vehicle for hire manager, as provided in division 4 of this article;
- (3) A person's vehicle shall display a valid vehicle decal; and
- (4) A person shall be affiliated with the company operating certificate holder at all times.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-104. - Application requirements.**

- (a) All applications for a vehicle operating permit are to be submitted by the vehicle owner and the company operating certificate holder, called the applicant, on forms provided by the passenger vehicle for hire manager, which shall contain the following:
  - (1) The name and address of each applicant and, if an applicant is a corporation, attaching a certified copy of the articles of incorporation, or if the applicant is an association, attaching a certified copy of the bylaws of the association. Each applicant must disclose all legal names that the applicant has ever used or any and all names they have ever gone by.
  - (2) The color scheme for which the vehicle operating permit is desired, if the permit is for a taxicab.
  - (3) The make, type and passenger capacity of the passenger vehicle for hire

subject to the application for a vehicle operating permit.

- (4) All court records of the applicant. If an applicant is a corporation or association, all court records of the officers, directors and supervising employees, including the general manager, if any, shall be provided.
- (5) The applicant's submittal of the following conditional information:
  - a. Existence of and access to a lawfully zoned depot or terminal on private property;
  - b. Ability to provide radio-dispatched service throughout the corporate limits, 24 hours a day, seven days a week, with centralized dispatching but not by exclusively using cellular telephone service (except as cellular telephone devices are utilized to access data such as text-based messages or electronic mail). ~~This shall not apply to company operating certificate holders operating fewer than ten taxicabs and four accessible vehicles;~~
  - c. Evidence of affiliation with a company operating certificate holder and that the telephone number of the passenger vehicle for hire company will be listed in the next city telephone directory to be issued and that all advertised services will, in fact, be provided;
  - d. Assurance that the passenger vehicle for hire operating under this permit shall be kept clean and in good mechanical condition and in good physical condition at all times; and
  - e. Evidence that the applicant satisfies the insurance limits for passenger vehicles for hire required by section 22-213.
- (b) The applicant shall swear that the information submitted in subsection (a) is neither false nor misleading. Submitting, or causing to be submitted, false or misleading information is unlawful and shall be grounds for denial, suspension or revocation of an operating permit.
- (c) In providing information required by subsections (a)(1), (5) and (6), an applicant may simply refer to previous applications and reference previously submitted documents or information, provided there has been no change to the referenced documents or information.
- (d) No application for a vehicle operating permit shall be accepted from an applicant who has criminal charges pending against them at the time of application. For purposes of this subsection, pending criminal charges shall not

include traffic infractions.  
(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-105. - Hearing on application.**

The passenger vehicle for hire manager, or his designee, may require a hearing with the vehicle operating permit applicant if the passenger vehicle for hire manager is not convinced that the applicant meets all eligibility criteria and has provided all necessary information to the passenger vehicle for hire manager as outlined in section 22-104.

(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-106. - Issuance; denial; posting of permit and decal.**

(a) The passenger vehicle for hire manager shall authorize issuance to every applicant who files an application, as provided in this division, a vehicle operating permit for the passenger vehicle for hire, subject to the conditions this article may require, and provided:

(1) The vehicle for which application for a vehicle operating permit is made shall be found, after investigation by the passenger vehicle for hire manager, to be in strict compliance with this article.

(2) The issuance of the vehicle operating permit would not be against the public interest based on the applicant's court record, which includes arrests for criminal offenses that are pending in the General Court of Justice of the State of North Carolina or the courts of another state, or the federal courts. However, no application for a vehicle operating permit shall be approved if the court record of the applicant would not make it in the public interest for the application to be granted. The PVH manager may refuse to grant an application for a vehicle operating permit if the applicant has a court record containing any felony convictions if the PVH manager determines, in his or her discretion, that it is in the public interest to deny the application. Convictions, commissions, guilty pleas, or pleas of no contest to any of the following shall require the passenger vehicle for hire manager to deny the application on the grounds that approval of the applicant's application is not in the public interest:

~~The issuance of the vehicle operating permit would not be against the public interest based on the applicant's court record. However, no application for a vehicle operating permit shall be approved if the court record of the applicant would not make it in the public interest for the application to be granted. Convictions, commissions and pleas of guilty or no contest to any of the following shall create a rebuttable presumption~~

that the approval of the applicant's application is not in the public interest:

- a. Sex offenses;
- b. Felonious drug offenses;
- c. Prostitution;
- d. Felonies involving violence or attempted violence;
- e. Gambling; and/or
- f. Habitual criminal activity.

Any applicant denied a vehicle operating permit under this subsection may appeal such denial to the passenger vehicle for hire board. All appeals shall be filed pursuant to section 22-112. No application for a vehicle operating permit that is denied pursuant to this subsection and for which the denial is affirmed by the passenger vehicle for hire board shall be accepted from the applicant within three years from the decision of the passenger vehicle for hire board.

- (3) The applicant shall have complied with all the sections of this article, including, but not limited to, the provision of the following:
  - a. Existence of and access to a lawfully zoned depot or terminal on private property;
  - b. Ability to provide radio-dispatched service throughout the corporate limits, 24 hours a day, seven days a week, with centralized dispatching. This shall not apply to company operating certificate holders operating fewer than ten taxicabs and four accessible vehicles only;
  - c. Evidence of affiliation with a company operating certificate holder and that the telephone number of the passenger vehicle for hire company will be listed in the next city telephone directory to be issued and that all advertised services will, in fact, be provided;
  - d. Assurance that the passenger vehicle for hire operating under this permit shall be kept clean and in good mechanical condition and in good physical condition at all times; and

- e. Evidence that the applicant satisfies the insurance limits for passenger vehicles for hire required by section 22-213.
- (4) The issuance does not conflict with such conditions as placed by the city council on the issuance of vehicle operating permits.
- (e) Upon issuance of the vehicle operating permit by the passenger vehicle for hire manager, the owner of the passenger vehicle for hire shall place the permit in a conspicuous location on the dashboard inside the vehicle. Once the permit has been placed on the dashboard, the passenger vehicle for hire manager shall affix the vehicle decal in the passenger vehicle for hire, as required by subsections 22-62(e)(1)a. and b.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-107. - Expiration.**

All passenger vehicle for hire operating permits shall expire on a yearly basis on a date determined by the passenger vehicle for hire manager. The vehicle operating permit shall automatically expire if the conditions for issuing the permit, as provided in section 22-106, change without approval of the passenger vehicle for hire manager. No person shall operate a passenger vehicle for hire within the city while his vehicle operating permit is expired.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-108. - Renewal.**

Upon application for renewal of a vehicle operating permit by the vehicle operating permit holder, the passenger vehicle for hire manager shall renew any vehicle operating permit or cause a new vehicle operating permit to be issued for the ensuing year, in the absence of any contrary evidence regarding the vehicle operating permit holder's fulfillment of the eligibility criteria provided in section 22-106 and/or his compliance with this article. No renewal application will be accepted from a permit holder who has outstanding or unpaid citations issued for violations of this Chapter. If a permit holder has appealed the outstanding citation in accordance with this Article, a renewal application may be accepted, but no decision on the application will be made until the appeal is concluded, and the permit holder's permit will not expire until the appeal is concluded. As part of the process of applying for renewal of a vehicle operating certificate, the permit holder will be required to authorize the passenger vehicle for hire manager to conduct a criminal records check. No application for renewal shall be considered complete until the results of the criminal records checks are provided to the passenger vehicle for hire manager.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-109. - Transferability.**

- (a) Each vehicle operating permit issued pursuant to this division is separate and distinct and shall not be transferable by the vehicle operating permit holder to another person, vehicle or entity without prior approval of the passenger vehicle for hire manager.
- (b) If an application for transfer of a permit is made, the city manager, or his designee, shall require the same information required for the original issuance of the vehicle operating permit, as set forth in section 22-104.
- (c) Upon approval by the passenger vehicle for hire manager to transfer a vehicle operating permit, the passenger vehicle for hire manager, shall issue a new vehicle operating permit, provided the applicant for the transfer has complied with all the subsections of this section.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-110. - Retirement and replacement of passenger vehicles for hire; new permits.**

If a vehicle operating permit holder permanently retires a passenger vehicle for hire with a valid vehicle operating permit, within 30 days of the retirement the vehicle operating permit holder shall make written application to the passenger vehicle for hire manager for permanent replacement of the passenger vehicle for hire. The passenger vehicle for hire manager shall issue a new vehicle operating permit for the replacement vehicle, provided the period of time between permanent retirement of the passenger vehicle for hire and the replacement of such passenger vehicle for hire does not exceed 30 days, and provided the replacement vehicle satisfies the requirements of this article.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-111. - Grounds for suspension or revocation; hearing.**

- (a) The passenger vehicle for hire manager may suspend or revoke a vehicle operating permit upon the occurrence of any one of the following:
  - (1) The vehicle operating permit holder fails to operate his passenger vehicles for hire in compliance with all sections of this article.
  - (2) The manager finds that the vehicle operating permit holder submitted, or caused to be submitted, false or misleading information on his application for an operating permit.

- (3) The vehicle operating permit holder ceases to operate any passenger vehicle for hire during a period of 30 consecutive days.
  - (4) The vehicle operating permit holder ceases to operate any taxicab, during a period of 30 consecutive days, for a minimum of 20 days at least eight hours a day, without obtaining permission for the cessation from the passenger vehicle for hire manager.
  - (5) The vehicle operating permit holder commits any act with the intent to defraud his passengers.
  - (6) The vehicle issued the vehicle operating permit fails to meet the requirements of this article.
  - (7) The passenger vehicle for hire manager determines that, in the interest of the public safety and welfare, a vehicle operating permit should be suspended or revoked.
- (b) The passenger vehicle for hire manager may also revoke a vehicle operating permit due to acts of drivers, pursuant to section 22-150.
  - (c) A vehicle operating permit may not be suspended or revoked until the passenger vehicle for hire manager has conducted a hearing on the matters at issue. The holder of the permit shall have the right to be present at the hearing and shall be given at least 48 hours' advance notice of the hearing.
  - (d) Vehicle operating permits may be suspended under this section for a period not to exceed six months.
  - (e) The passenger vehicle for hire manager may revoke or refuse to renew a vehicle operating permit if the person issued the permit, at any time after issuance, fails to pay a penalty required under section 22-33 in a timely manner.
  - (f) A vehicle operating permit holder who has had a vehicle operating permit revoked under this section may not apply for a vehicle operating permit for a period of six months from the date of revocation.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-112. - Appeal of suspension or revocation.**

- (a) Upon a finding by the passenger vehicle for hire manager that a vehicle operating permit should be suspended or revoked, or an application for a

vehicle operating permit be denied, the vehicle operating permit holder shall be so notified and informed of the manner in which the finding may be appealed.

- (b) The vehicle operating permit holder may appeal the suspension or revocation of a vehicle operating permit or denial of a vehicle operating permit application by filing with the passenger vehicle for hire manager, within ten days after the passenger vehicle for hire manager's decision is rendered, written notice of appeal. The notice of appeal shall set forth the reasons why the suspension or revocation is improper.
- (f) The suspension or revocation of a vehicle operating permit shall not become effective until ten days after the decision is rendered. A decision to deny an application for a vehicle operating permit shall be effective immediately, and the applicant shall have ten days from the date of the denial to file an appeal. If an appeal is filed within this period, the suspension or revocation shall be stayed pending the final decision of the passenger vehicle for hire board.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-113. - Procedure upon appeal of suspension or revocation.**

Upon the filing of an appeal of a suspension or revocation pursuant to this division, the passenger vehicle for hire manager shall transmit the notice of appeal to the chair of the passenger vehicle for hire board and shall schedule a hearing as provided in section 22-183.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-114. - Surrender of permit and decal.**

When a vehicle operating permit is revoked, the operation as a passenger vehicle for hire subject to the vehicle operating permit shall cease, and the vehicle operating permit and vehicle decal for the vehicle shall be surrendered immediately to the passenger vehicle for hire manager. If any vehicle operating permit holder permanently retires any passenger vehicle for hire from service and does not replace the retired vehicle within 30 days and does not apply for a vehicle operating permit transfer as specified in section 22-109, the vehicle operating permit for each retired passenger vehicle for hire shall be considered abandoned and void. Thereafter, the vehicle operating permit holder shall immediately surrender the vehicle operating permit and vehicle decal to the passenger vehicle for hire manager for each retired vehicle. Abandoned operating permits may not be restored by any means except by application, in the same manner as for new operating permits provided in this division.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-115. - Fees.**

- (a) Fees to cover the administrative costs for obtaining, renewing, duplicating, transferring and reinstating vehicle operating permits shall be collected. Also, a regulatory fee shall be collected for each vehicle decal issued to a passenger vehicle for hire. Fees shall be approved by the city manager and placed on file with the passenger vehicle for hire manager. Other fees permitted by law may also be collected.
- (b) Notwithstanding subsection (a), reduced fees may be assessed for any accessible vehicle which provides accessible transportation services to individuals with disabilities.

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-116—22-140. - Reserved.**

**DIVISION 4. - DRIVER'S PERMITS**

Sec. 22-141. - Required.

Sec. 22-142. - Application.

Sec. 22-143. - Qualifications of applicant.

Sec. 22-144. - Training of applicant.

Sec. 22-145. - Denial.

Sec. 22-146. - Issuance and display; probationary period; expiration.

Sec. 22-147. - Fees.

Sec. 22-148. - Suspension.

Sec. 22-149. - Grounds for revocation generally.

Sec. 22-150. - Revocation for acts of drivers.

Sec. 22-151. - Appeal of manager's decision.

Sec. 22-152. - Renewal.

Sec. 22-153. - Notification of criminal charges or change in driving status.

Secs. 22-154—22-180. - Reserved.

**Sec. 22-141. - Required.**

No person shall drive a passenger vehicle for hire within the city without first having obtained a passenger vehicle for hire driver's permit from the passenger vehicle for hire manager as authorized by G.S. 160A-304, which is herein incorporated by reference.

*(Ord. No. 3065-X, 8-22-2005; Ord. No. 3464, § 1, 1-8-2007)*

**Sec. 22-142. - Application.**

- (a) Each applicant for a passenger vehicle for hire driver's permit shall make application on forms to be provided by the passenger vehicle for hire manager. The application shall contain the following information:
- (1) The applicant's full name, including all legal names that the applicant has ever used or any and all names they have ever gone by, and address;
  - (2) The applicant's physical condition, with particular reference to hearing, eyesight and use of alcoholic beverages or controlled substances;
  - (3) The applicant's physical description, including age, race, height, weight and color of eyes and hair;
  - (4) The length of time the applicant has resided at his present address;
  - (5) The applicant's places of residence and employment for two years immediately preceding the date of the application; and
- (b) The applicant is required to provide his/her fingerprints which will be submitted to state and national criminal history checks of his/her criminal record. The passenger vehicle for hire manager of the city shall forward the applicant's fingerprints to the state bureau of investigation for a search of the state's criminal history record file and the state bureau of investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check in accordance with G.S. 160A-304. This information shall be kept privileged and confidential and shall not be a public record under G.S. ~~ch~~Chapter. 132. The receipt by the city passenger vehicle for hire manager of the criminal history record check shall be used solely to determine eligibility for a permit.
- (c) The applicant shall swear that the information submitted in subsection (a) is neither false nor misleading. Submitting, or causing to be submitted, false or misleading information is unlawful and shall be grounds for denial of a driver's permit.

*(Ord. No. 3065-X, 8-22-2005; Ord. No. 3464, §§ 2, 3, 1-8-2007)*

**Sec. 22-143. - Qualifications of applicant.**

- (a) Each applicant for a passenger vehicle for hire driver's permit must:
- (1) Be at least 18 years of age;
  - (2) Possess eyesight correctable to 20/20 and not suffer from epilepsy, vertigo, heart disease or any other physical or mental condition which renders him unfit for safe operation of a passenger vehicle for hire;
  - (3) Be able to read, write and speak the English language and conduct financial transactions;
  - (4) Be neat and clean in dress and person;
  - (5) Not be addicted to the use of alcoholic beverages or controlled substances;
  - (6) Produce, on forms provided by the passenger vehicle for hire manager, affidavits of his good character from two reputable persons who have known him personally and observed his conduct during the year preceding the date of the application;
  - (7) Possess a valid North Carolina or South Carolina driver's license issued to him (or issued within seven (7) days of the date he submits his application) that authorizes the applicant to lawfully operate the passenger vehicle for hire;
  - (8) Have permission from the company operating certificate holder and the vehicle operating permit holder to operate a passenger vehicle for hire under the company operating certificate and/or vehicle operating permit assigned to the passenger vehicle for hire company and the vehicle owner;
  - (9) Produce, at the applicant's expense, the applicant's court records, including any criminal record of the applicant in the applicant's country of origin. If the applicant has no criminal record, the applicant shall provide an affidavit indicating the lack of such record;
  - (10) Produce evidence that the applicant has successfully passed a ~~ten-panel~~ drug test prior to within 14 days of submitting an initial application for a driver's permit or prior to within 14 days of submitting an application to renew a driver's permit, employment or affiliation with a passenger vehicle for hire company. The drug test must test for categories or types of drugs specified by the City of Charlotte. The drug test must be conducted by a facility that is approved by the passenger vehicle for hire manager or the City of Charlotte. Results from any non-approved facility

may be considered, but may be rejected at the discretion of the passenger vehicle for hire manager or his designee. If the applicant has failed the ten-panel required drug test, they are not eligible to apply for a passenger vehicle for hire driver's permit, for a one-year period following their failing the ten-panel drug test;

(11) Produce reliable documentation evidencing the applicant's eligibility to be a passenger vehicle for hire driver. Reliable documentation shall include, when necessary, a valid resident alien registration card, U.S. passport, certificate of naturalization or any other documents allowed under part 274(a)(2) of the Immigration and Naturalization Service Rules of the Immigration Reform and Control Act of 1986;

(12) Have no more than eight accrued points for motor vehicle violations pursuant to G.S. 20-16 during the previous three years or any comparable provision of the law of another state; and

(13) Be knowledgeable of city streets and local landmarks within the city.

(b) Each applicant must also inform the passenger vehicle for hire manager, in writing, if he has been charged with any criminal offense or infraction and produce evidence of the disposition thereof upon seeking issuance or renewal of a driver's permit. Failure to do so will result in the suspension or refusal to issue or renew a driver's permit.

(c) No application for a driver's permit shall be accepted from an applicant who has criminal charges pending against them at the time of application. For purposes of this subsection, pending criminal charges shall not include traffic infractions.

(d) No application for a driver's permit shall be accepted from an applicant who does not meet all of the requirements stated in subsection (a) of this section.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-144. - Training of applicant.**

Each company operating certificate holder shall require all passenger vehicle for hire drivers operating under the company's operating certificate to enroll in and successfully complete a driver training course from an approved list of courses maintained in the passenger vehicle for hire office. All new drivers of passenger vehicles for hire shall comply with this section before the expiration of the probationary permit issued pursuant to section 22-146 of this receiving their driver's permit.

article.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-145. - Denial.**

- (a) The passenger vehicle for hire manager may refuse to grant or renew a passenger vehicle for hire driver's permit for any applicant:
- (1) Whose state motor vehicle driver's license upon the date of an application to the Manager has been revoked or suspended; or
  - (2) ~~Who has committed, been convicted of or pled guilty or no contest to, within ten years immediately prior to the date of the application, any of the following: Who has committed, been convicted of or pled guilty or no contest to any of the following:~~
    - a. ~~A felony, provided the passenger vehicle for hire manager shall not issue a driver's permit to any convicted felon who has not had his citizenship rights restored as provided by state law, regardless of when the conviction occurred;~~
    - b. Any crime or infraction involving the operation of a motor vehicle resulting in an incapacitating class A injury to any person, as determined on the state traffic accident report, or the death of a person;
    - c. A violation of any city, county, state or federal law relating to the use, possession or sale of alcoholic beverages or substances regulated by the North Carolina Controlled Substances Act, G.S. 90-86—90-113.8, or the North Carolina Toxic Vapors Act G.S. 90-113.8A—90-113.14;
    - d. A violation of any city, county, state or federal law relating to prostitution or gambling;
    - e. A violation of the Federal Immigration Act; or
    - f. Habitual criminal activity.
  - (3) Who has committed a material violation of section 22-31 in operating a passenger vehicle for hire, or a violation of section 22-141.
  - (4) Who, within a period of ten years immediately prior to the date of his application, has been an habitual violator of traffic laws or an habitual

user of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act or the North Carolina Toxic Vapors Act or any comparable provisions of the law of another state.

- (5) Who does not fulfill the qualifications set forth in section 22-143.
  - (6) Who fails to pay a penalty required under section 22-33 within 30 days from the date of assessment by the passenger vehicle for hire manager.
- (b) Notwithstanding subsection (a), an application for a driver's permit shall not be approved if the applicant's court record or evidence regarding the applicant presented at a hearing supports a conclusion that it is not in the public interest for the application to be granted. Convictions, commissions, pleas of guilty or no contest to any of the following shall create a rebuttable presumption that the approval of the applicant's application is not in the public interest:
- (1) Murder, including first degree and second degree;
  - (2) Voluntary manslaughter;
  - (3) Involuntary manslaughter;
  - (4) Felony death by vehicle;
  - (5) Felonious assaults and/or batteries;
  - (6) Robbery;
  - (7) Rape and other sex offenses; and/or
  - (8) Felonious drug offenses; and/or-
  - (9) Any felony where the convicted felon applicant has not had his or her citizenship rights restored as provided by state law, regardless of when the conviction occurred
- (c) The passenger vehicle for hire manager shall not issue a driver's permit to any applicant with any driving while impaired ("DWI") convictions or two or more arrests ~~(so long as the arrests were upheld by the criminal courts)~~ for DWI within the past five years, within the state, or any comparable provision of the law of any other state, territory or possession of the United States of America;

- (d) Any applicant denied a driver's permit under this section may appeal the denial to the passenger vehicle for hire board pursuant to section 22-151. Once an application has been denied under this section and the decision is affirmed by the passenger vehicle for hire board, it shall be presumed that it is not in the public interest to grant a driver's permit to the applicant.
  - (e) No application for a driver's permit that is denied pursuant to this section and the denial of which is affirmed by the passenger vehicle for hire board shall be accepted from the applicant within three years from the decision of the passenger vehicle for hire board.
- (Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-146. - Issuance and display; ~~probationary period; expiration.~~**

- (a) The passenger vehicle for hire manager, upon finding that an applicant has satisfactorily complied with this division, shall issue to the applicant a driver's permit, which shall show the following:
  - (1) The applicant's photograph and name;
  - (2) The expiration date; and
  - (3) The company operating certificate holder the driver is affiliated with.
- (b) In addition to the information required in section 22-253, a copy of the driver's permit or a card must be displayed conspicuously at all times in the card frame attached to the back of the driver's seat or headrest area of the vehicle, excepting limousines, limousine sedans, and SUVs, and shall be clearly visible to a passenger seated in the rear seat of the passenger vehicle for hire. The driver's permit or the card shall contain the following:
  - (1) A current photograph of the driver;
  - (2) The driver's name;
  - (3) The name of the company operating certificate holder;

The driver's permit shall be kept on the person of a limousine driver at all times while operating a limousine and shall be presented to passengers upon request.

- (c) A driver shall not operate any passenger vehicle for hire for any company

operating certificate holder except for the company operating certificate holder shown on his driver's permit. Upon the termination of a driver's agreement to drive for such company operating certificate holder, the driver shall surrender his permit to the passenger vehicle for hire manager within 48 hours from the termination.

~~(d)~~

~~The manager, after interviewing an applicant and being satisfied that the applicant has complied with the requirements of this division and after checking local records and the applicant's previous employers, will issue a probationary driver's permit for a period not to exceed 60 days, pending receipt by the passenger vehicle for hire manager of the applicant's record, if any, from the Federal Bureau of Investigation.~~

**(ed)** After the applicant has satisfactorily completed his probationary period, including satisfactorily passing passed the Federal Bureau of Investigation's fingerprint check, the passenger vehicle for hire manager shall issue to such applicant a driver's permit, valid for one year, that will expire on the applicant's date of birth. No person shall operate a passenger vehicle for hire within the city while his driver's permit is expired.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-147. - Fees.**

Fees to cover the administrative cost of the passenger vehicle for hire driver's permit shall be approved by the city manager and placed on file in the passenger vehicle for hire office.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-148. - Suspension.**

The passenger vehicle for hire manager shall have the authority to suspend any driver's permit issued under this division for any of the grounds specified in section 22-149; the permit holder's violation of any section of this article; or the permit holder's being convicted of or pleading guilty or no contest to any federal, state or local law pertaining to the public welfare or morals. Such suspension shall not exceed 30 days. However, no driver's permit shall be reinstated unless the driver satisfies section 22-143. A third suspension of a driver's permit shall result in the mandatory revocation of such driver's permit. No application for a driver's permit will be accepted from an applicant within ~~six months~~ one year of the date of revocation.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-149. - Grounds for revocation generally.**

The passenger vehicle for hire manager may revoke or refuse to renew a driver's permit if the person issued the driver's permit is, at any time after issuance:

- (1) Found by the passenger vehicle for hire manager to have committed, been convicted of or pled guilty or no contest to any of the following:
  - a. A violation of any federal, state or local law relating to the use, possession, manufacturer or sale of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act, G.S. 90-86 et seq., or the North Carolina Toxic Vapors Act, G.S. 90-113.8A et seq.;
  - b. A violation of any federal, state or local law relating to prostitution or gambling;
  - c. An accumulation, under G.S. 20-16, within a three-year period, of 12 or more points or eight or more points within the three-year period following the reinstatement of a state driver's license that has been suspended or revoked or any comparable provisions of the law in another state or has been convicted of any other violation resulting in the suspension or revocation of the state driver's license;
  - d. Any felony;
  - e. Any violation of a federal, state or local law designed for the protection of life;
  - f. Any criminal assault involving the operation of a passenger vehicle for hire;
  - g. Any sex offense or offense involving moral turpitude;
  - h. Any of the offenses contained in subsection 22-145(b); and/or
  - i. A material violation of section 22-31 or a violation of section 22-141.
- (2) Found by the passenger vehicle for hire manager to be a habitual user of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act, G.S. 90-86 et seq., or the North Carolina Toxic Vapors Act, G.S. 90-113.8A et seq.;

- (3) Found by the passenger vehicle for hire manager to have made or caused to be made a false statement in his application for issuance or renewal of a driver's permit;
- (4) Does not continue to meet the qualifications for a driver's permit as set forth in section 22-143;
- (5) Found by the passenger vehicle for hire manager to have had his driver's permit suspended three times in any five-year period;
- (6) Found by the passenger vehicle for hire manager to have aided or abetted in the commission of any of the acts contained in subsections (1)a., b., d., e., f., g. or h. of this section; or
- (7) Found by the passenger vehicle for hire manager to have failed to timely pay a penalty required under section 22-33.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-150. - Revocation for acts of drivers.**

- (a) Upon a determination by the passenger vehicle for hire manager that a driver has committed, been convicted of or pled guilty or no contest to:
  - (1) Any of the offenses specified in section 22-149; or
  - (2) A violation of any section of this article pertaining to the operation of passenger vehicles for hire; or
  - (3) A violation of any federal, state or local law pertaining to the public health, safety, welfare or morals;

and that the offense or violation occurred while the driver was engaged in the operation of a passenger vehicle for hire or was engaged in some act related to the operation of a passenger vehicle for hire, the passenger vehicle for hire manager shall give notice of such determination to the driver and to the company operating certificate holder and vehicle operating permit holder under which the driver was operating.

- (b) No application for a driver's permit from an applicant whose driver's permit has been revoked pursuant to this section and the revocation of which is affirmed by the passenger vehicle for hire board shall be accepted from the applicant within one year from the date of the decision of the passenger

vehicle for hire board to affirm the revocation.

(b) Upon the occurrence of three determinations under subsection (a) against a driver in any 24-month period, the driver and the vehicle operating permit holder under which the driver was operating shall be notified that one additional determination against the driver within 12 months after the date of the notice may result in suspension or revocation of the company operating certificate.

(ed) Upon one additional determination under subsection (a) of this section by the passenger vehicle for hire manager against a driver within 12 months after the date of the notice provided for in subsection (b), the passenger vehicle for hire manager may suspend or revoke the company operating certificate and/or the vehicle operating permit under which the driver was operating, pursuant to the procedure provided in subsections 22-70(b) and 22-111(b).

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-151. - Appeal of manager's decision.**

(a) A decision by the passenger vehicle for hire manager not to grant or renew or to suspend or revoke a driver's permit, and a determination by the passenger vehicle for hire manager under section 22-150, shall be subject to appeal to the passenger vehicle for hire board.

(b) Any person aggrieved by a decision of the passenger vehicle for hire manager and having a right to appeal may appeal by giving written notice of appeal to the passenger vehicle for hire manager. The notice of appeal shall set forth the reasons why the passenger vehicle for hire manager's decision is improper and shall be filed with the passenger vehicle for hire manager within ten days of the decision. Appeals may be taken only from the passenger vehicle for hire manager's findings of fact and application of law. The monetary amount of the civil penalty assessed by the passenger vehicle for hire manager shall not be subject to appeal.

(c) Upon the filing of an appeal, the passenger vehicle for hire manager shall transmit the notice of appeal to the chair of the passenger vehicle for hire board and shall schedule a hearing as provided in section 22-183.

(d) Reserved.

(e) A decision by the passenger vehicle for hire manager to suspend or revoke a driver's permit shall not become final until ten days after the decision is rendered. If the appeal is filed within the allowed time, the passenger vehicle for hire manager's decision shall be stayed pending the final decision of the passenger vehicle for hire board, and the driver may

continue to drive the passenger vehicle for hire pending the appeal unless:

- (1) The driver's permit is suspended pursuant to subsections 22-149(1)c. or (4) or the state driver's license of the driver has been revoked or suspended for a violation of any local, state or federal laws; or
  - (2) The passenger vehicle for hire manager determines that continued operation of a passenger vehicle for hire by the driver would impose an immediate threat or danger to public health, safety or welfare.
- (f) If no appeal is filed within the allowed time, the holder of the driver's permit shall immediately surrender the permit to the passenger vehicle for hire manager, and the period of suspension shall not begin until the passenger vehicle for hire manager receives the permit. The passenger vehicle for hire manager, upon taking any action affording a right to appeal, shall give the driver, applicant, company operating certificate holder or vehicle operating permit holder, as appropriate, notice of the right to appeal.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-152. - Renewal.**

The passenger vehicle for hire manager may renew a driver's permit from year to year by appropriate endorsement thereon. The driver applying for a renewal of his driver's permit shall make application in accordance with procedures established by the passenger vehicle for hire manager. No renewal application shall be accepted for a permit holder who has outstanding or unpaid citations issued for violations of this Chapter. If a permit holder has appealed the outstanding citation in accordance with this Article, a renewal application may be accepted, but no decision on the application will be made until the appeal is concluded, and the permit holder's permit will not expire until the appeal is concluded. As part of the process of applying for renewal of a driver's permit, the permit holder will be required to authorize the passenger vehicle for hire manager to conduct a criminal records check on the applicant. No application for renewal shall be considered complete until the results of the criminal records checks are provided to the passenger vehicle for hire manager.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-153. - Notification of criminal charges or change in driving status.**

A driver shall inform the passenger vehicle for hire manager in writing before the end of the next business day, if he or she has been charged with any criminal offense or infraction listed in section 22-145 of this article or if there is any change

in his or her driving status. A driver shall produce, upon request, evidence of any charges or changes in driving status. Failure to comply with this section may result in the suspension or revocation of the driver's permit.

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-154—22-180. - Reserved.**

**DIVISION 5. - PASSENGER VEHICLE FOR HIRE BOARD**

Sec. 22-181. - Created; composition; terms; compensation; vacancies; quorum; removal.

Sec. 22-182. - Duties and responsibilities.

Sec. 22-183. - Hearings.

Secs. 22-184—22-210. - Reserved.

**Sec. 22-181. - Created; composition; terms; compensation; vacancies; quorum; removal.**

- (a) A passenger vehicle for hire board is hereby established, to be composed of 11 members, five of whom shall be appointed by the city council, three of whom shall be appointed by the mayor and three of whom shall be appointed by the city manager.
- (b) The city council's appointments shall be as follows: one shall be a company operating certificate holder, one shall be a vehicle operating permit holder, one shall be an individual user, one shall be a representative of individuals with disabilities and one shall be an individual from the hospitality/tourism industry.
- (c) The mayor's appointments shall be as follows: one shall be a company operating certificate holder, one shall be a driver or chauffeur and one shall be an individual from the hospitality/tourism industry. The mayor shall designate one of the members as chair.
- (g) The three members appointed by the city manager shall be citizens with no financial interest in or business affiliation with either the passenger vehicle for hire, limousine or hospitality/tourism industries. A member of the Charlotte-Mecklenburg Police Department with the rank of captain or above shall serve as staff to the board.
- (h) All members of the passenger vehicle for hire board shall serve without compensation.

- (i) All terms of office shall be for three years, with no member serving more than two consecutive terms. The terms of one-third of the passenger vehicle for hire board shall expire each year. If a vacancy occurs, the original appointing body shall appoint a person to serve for the unexpired term of the vacant position.
- (j) Six members shall constitute a quorum in order to conduct business or hearings. Any member who fails to meet attendance requirements specified by city council policy shall be automatically removed from the board. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section. Notwithstanding this subsection, if a vacancy occurs in the chair position, the mayor shall designate a new chair who shall meet the requirements set out in this section.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-182. - Duties and responsibilities.**

- (a) The passenger vehicle for hire board shall hear the following:
  - (1) Appeals from suspensions or revocations of company operating certificates under section 22-70;
  - (2) Appeals from suspensions or revocations of vehicle operating permits under section 22-111;
  - (3) Appeals from decisions of the passenger vehicle for hire manager not to grant or renew driver's permits under section 22-145;
  - (4) Appeals from decisions of the passenger vehicle for hire manager to revoke driver's permits under section 22-149;
  - (5) Appeals from decisions of the passenger vehicle for hire manager to suspend driver's permits under section 22-148;
  - (6) Appeals from determinations of the passenger vehicle for hire manager under section 22-150;
  - (7) Appeals from arbitrations of fare disputes by the passenger vehicle for hire manager under section 22-252; and
  - (8) Appeals by citizens from the decision of the passenger vehicle for hire manager regarding the disposition of a complaint alleging a material

violation of this article.

- (b) The passenger vehicle for hire board shall also establish standard rate schedules, fare zones and standard charges for waiting time, additional passengers or luggage which shall apply to all taxicabs. The passenger vehicle for hire board shall meet annually to establish the rate schedules, fare zones and charges. A company operating certificate holder may petition the passenger vehicle for hire board for a midyear change to taxicab rate schedules, fare zones and charges upon a showing that such changes are required by acts of God, substantial and unexpected increases in fuel costs or events beyond the control of the applicant. A petition for a midyear change in rates shall be heard by the passenger vehicle for hire board only upon a three-fourths vote of the membership of the passenger vehicle for hire board. Prior to establishing any rate schedules, fare zones or other charges, the passenger vehicle for hire board shall hold a public hearing on the matter. The passenger vehicle for hire board shall notify all company operating certificate holders of taxicabs of all proposed rate schedules, fare zones and other charges established by the passenger vehicle for hire board and the effective dates. A current list of all rate schedules, fare zones and other charges for all passenger vehicles for hire shall be kept on file at the office of the passenger vehicle for hire manager. The authority exercised by the passenger vehicle for hire board under this subsection shall not be subject to the review provided in section 22-183. Any rate schedules, fare zones and other charges established by this subsection may be appealed solely to the city council.
- (c) At least once every three years, the passenger vehicle for hire board shall consider whether limits should be imposed on the number of company operating certificates, vehicle operating permits or driver's permits to be issued by the city. Thereafter, the passenger vehicle for hire board may recommend to the city council that the number of company operating certificates, vehicle operating permits or driver's permits to be issued by the city during any given calendar year should be limited. The passenger vehicle for hire board may recommend that specific limitations be imposed on each type of certificate, permit, vehicle or vehicle for hire service where the public convenience so warrants. Upon approval by the city council, limits recommended under this subsection shall be applied to initial and renewal applications for certificates or permits. The decision to limit the number of certificates and permits shall be solely within the discretion of the city council. The burden of showing that public convenience requires the issuance of the certificates or permits is the responsibility of the certificate or permit holder.
- (d) The passenger vehicle for hire board shall assess the number of accessible vehicles and alternative-fuel vehicles being operated in the city under company operating certificates for taxicabs, and, upon determining the number of accessible vehicles and alternative-fuel vehicles needed ~~in the city~~

to accommodate the needs of ~~individuals with disabilities~~ of the city, the passenger vehicle for hire board may make recommendations to the city council based on its findings. Upon reviewing the recommendation of the passenger vehicle for hire board, the city council may mandate a minimum number of accessible vehicles and alternative-fuel vehicles for each company operating certificate holder providing taxicab service in the city.

- (e) The passenger vehicle for hire board shall promulgate rules and procedures to carry out its responsibilities under this division and shall keep such rules and procedures on file with the city clerk.
- (f) The passenger vehicle for hire board may have any other responsibilities as assigned by the city manager or city council.
- (g) The passenger vehicle for hire board shall prepare an annual report of its actions for each preceding year to the city council.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-183. - Hearings.**

- (a) The passenger vehicle for hire manager shall, within 24 hours of receipt, forward any appeal provided in subsection 22-182(a) to the chair of the passenger vehicle for hire board. Appeals shall be on a form and in a manner approved by the passenger vehicle for hire board. The chair of the passenger vehicle for hire board may review the appeals to determine if the required information is submitted. If the appeal is from the passenger vehicle for hire manager's findings of fact or application of law, any review shall be completed within 24 hours following the receipt of the notice of appeal, unless otherwise extended for good cause by the chair of the passenger vehicle for hire board for a period of three business days. If the information submitted is insufficient, the chair may return the appeal to the applicant for additional information without regard to subsection (b). If a decision on the appeal cannot be made from the findings of fact or application of law, the chair of the passenger vehicle for hire board may elect to dismiss the appeal, without prejudice, for resubmittal at a later time.
- (b) If a hearing is determined to be warranted, the appeal shall be heard by the passenger vehicle for hire board at its next regularly scheduled meeting (or the next regular meeting of the board, if the passenger vehicle for hire's board meeting that the appeal would normally be held on is cancelled by the chair of the passenger vehicle for hire board) that shall not be earlier than three working days from the date the PVH manager received the appeal, unless all parties consent to hearing the matter at the next immediate meeting of the board. The board shall hold regular meetings on

a monthly basis, unless the meeting is cancelled by the chair of the passenger vehicle for hire board. The PVH manager, at the direction of the chair of the passenger vehicle for hire board, shall give notice to all parties of the time and place for the hearing. If the party seeking the appeal desires a hearing on a date other than the date set by the PVH manager pursuant to this section, the party seeking the appeal may file a written request for a change of the hearing date, setting forth the reasons for such request. The chair of the passenger vehicle for hire board is empowered to approve or disapprove the request, provided the request is received by the passenger vehicle for hire board at least seven working days prior to the date set for the hearing. For good cause, the chair of the passenger vehicle for hire board may set a hearing on a date not within the time period set forth in this subsection or may continue the hearing from time to time. The passenger vehicle for hire board shall render a decision on an appeal within five working days after the date of the hearing.

- (c) Any appealing party may appear at the hearing in person and shall have the right to representation by a person of his choice. The North Carolina Rules of Evidence, G.S. § 8C, shall not strictly apply to the hearing, but the hearing shall afford all parties an opportunity to offer evidence, cross-examine witnesses, and inspect documents. Hearsay evidence shall be considered only to the extent that the hearsay evidence would be permitted under the North Carolina Rules of Evidence G.S. § 8C. Only sworn testimony shall be accepted and the chair of the passenger vehicle for hire board, as well as any board member designated by the chair, shall have the authority to administer the oath as set forth for witnesses in a civil matter by G.S. § 11-11. The hearing shall be recorded, and the passenger vehicle for hire board's decision shall be in writing with copies provided to all parties.
- (d) Hearings before the passenger vehicle for hire board shall be de novo. Final decisions of the passenger vehicle for hire board, except decisions regarding the setting of rates pursuant to subsection 22-182(b), shall be subject to judicial review in a proceeding in the nature of certiorari instituted in the superior court of the county within 30 days after the passenger vehicle for hire board renders its decision. Final decisions of the passenger vehicle for hire board shall not be stayed during the time allowed for the initiation of judicial review, and the initiation of judicial review shall not automatically stay the passenger vehicle for hire board's decisions.
- (e) Following a hearing, the passenger vehicle for hire board shall have the power to:
  - (1) Affirm the decision of the passenger vehicle for hire manager;

- (2) Reverse the decision of the passenger vehicle for hire manager;
  - (3) Suspend or revoke a company operating certificate, vehicle operating permit, driver's permit;
  - (4) Authorize the issuance or renewal of a company operating certificate, vehicle operating permit, driver's permit; or
  - (5) Impose such other lesser penalties as it deems just and appropriate.
- (f) A decision by the passenger vehicle for hire board not to renew or to suspend or revoke a company operating certificate, vehicle operating permit, driver's permit shall become effective immediately upon receipt of the passenger vehicle for hire board's decision by the holder of the company operating certificate, vehicle operating permit, driver's permit, who shall immediately, upon receipt of the passenger vehicle for hire board's decision, surrender his company operating certificate, vehicle operating permit and vehicle decal, driver's permit to the passenger vehicle for hire manager. The period of suspension shall begin upon receipt of the surrendered company operating certificate, vehicle operating permit, driver's permit to the passenger vehicle for hire manager.

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-184—22-210. - Reserved.**

#### **DIVISION 6. - OPERATION**

- Sec. 22-211. - Registration and all proper permits necessary.
- Sec. 22-212. - Compliance with state law and ordinances; safety.
- Sec. 22-213. - Financial responsibility.
- Sec. 22-214. - Filing of policies of insurance.
- Sec. 22-215. - Operation standards.
- Sec. 22-216. - Conditions of insurance; continuing liability.
- Sec. 22-217. - Contract or agreement between owner and driver.
- Sec. 22-218. - Duty of certificate holder and permit holder to keep records and file reports.
- Sec. 22-219. - Daily manifests.
- Sec. 22-220. - Drivers' tags required; dress restrictions.
- Sec. 22-221. - Report of accidents.
- Sec. 22-222. - Occupants.
- Sec. 22-223. - Failure to provide service; length of delay time.

Sec. 22-224. - Limitation on hours of driving.  
Sec. 22-225. - Return of passenger's property.  
Secs. 22-226—22-250. - Reserved.

**Sec. 22-211. - Registration and all proper permits necessary.**

No person shall operate a motor vehicle as a passenger vehicle for hire until such vehicle has been registered in accordance with all the requirements of this state and all proper permits have been obtained.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-212. - Compliance with state law and ordinances; safety; parking.**

- (a) Every passenger vehicle for hire shall be operated in accordance with the laws of this state and the sections of this Code and city ordinances and with due regard for the safety, comfort and convenience of passengers; for the safe and careful transportation of property; and for the safety of the general public.
- (b) A passenger vehicle for hire shall not be operated at a rate of speed inconsistent with existing traffic regulations, road conditions, hazards at intersections and any other conditions then existing or in such manner or condition to endanger or to likely endanger the safety of passengers, pedestrians, vehicles or the person and property of others.
- (c) No passenger vehicle for hire shall be permitted to park in a metered space as determined by the director of the department of transportation (as defined in Section 14-1 of the Charlotte City Code) or defined in Chapter 14 of the Charlotte City Code. For purposes of this section, metered spaces also include any spaces for which payment is required through either a parking meter or a parking pay station operated by the City. This section does not restrict the ability of an operator of a passenger vehicle for hire from parking in parking spaces otherwise marked as parking spaces that do not require payment to the City through meters or parking pay stations. This subsection does not apply if a driver has placed an "off-duty" placard on the dashboard of the passenger vehicle for hire as provided for in Section 22-291 of this Code. If the driver has placed an "off-duty" placard, the driver must remain a minimum of ten (10) feet from the vehicle except while the driver is travelling to or from the vehicle either after having parked the vehicle or as the driver is leaving the metered space.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-213. - Financial responsibility.**

- (a) No person shall operate or cause to be operated any taxicab or other passenger vehicle for hire over the city streets without first furnishing proof of financial responsibility as defined in G.S. § 20-280, any superseding statute or any higher limits established by the city. Taxicabs shall fully comply with all remaining requirements of G.S. § 20-280. If the passenger vehicle for hire is owned by a person who operates under the vehicle operating permit of another owner, the other owner shall be named as an additional insured in the policy covering the passenger vehicle for hire.
- (b) Any vehicle owner or person owning or causing any passenger vehicle for hire to be operated shall, upon receipt of any notice of cancellation of the insurance required by this section, immediately notify the passenger vehicle for hire manager and the supporting service provider, if applicable, of the cancellation. Failure to notify the passenger vehicle for hire manager of a cancellation of insurance on a passenger vehicle for hire shall result in the immediate revocation of the vehicle operating permit of the vehicle for a period of 30 days.
- (c) The insurance company issuing any policy required by this section shall give the passenger vehicle for hire manager not less than 30 days' advance written notice of any cancellation, reduction in coverage or other material change in the policy. The vehicle owner is also required to give the passenger vehicle for hire manager notice of any policy cancellation within 14 days of the date the owner receives notice of any cancellation, reduction in coverage or material change to the policy.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-214. - Filing of policies of insurance.**

The vehicle operating permit holder shall file with the passenger vehicle for hire manager a copy of the passenger vehicle for hire insurance policy insuring the liability of the vehicle, as a condition precedent to the operation of any such passenger vehicle for hire on the city streets. The policy filed shall, among other things, set forth a description of every passenger vehicle for hire operating under the terms of such policy.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-215. - Operation standards.**

Subsequent to the receipt of a company operating certificate holder or a vehicle operating permit to operate a passenger vehicle for hire, a company operating certificate holder or a vehicle operating permit holder shall continue to meet the requirements of sections 22-64, 22-66, 22-104 and 22-106 of this article

as a condition to retaining such certificate or permit.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-216. - Conditions of insurance; continuing liability.**

- (a) Any policy of insurance submitted under this division shall be conditioned upon the payment of any final judgment, within limits of the policy, recovered by any person as a result of the negligent operation of any passenger vehicle for hire under this article, regardless of who operates or drives the vehicle at the time of the injury or damage.
- (b) Such insurance shall contain a provision for the continuing liability under the insurance to the full amount of the policy, notwithstanding any recovery thereon.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-217. - Contract or agreement between owner and driver.**

- (a) Any passenger vehicle for hire may be operated by the company operating certificate holder and/or vehicle operating permit holder thereof or by a duly authorized agent, employee or contractor of the company operating certificate holder or vehicle operating permit holder upon satisfaction of this article.
- (b) A company operating certificate holder may enter into any contract, lease agreement or understanding with any driver, as an independent contractor, by the terms of which such driver pays to the company operating certificate holder a fixed or determinable sum per day for the use of the passenger vehicle for hire and is entitled to all or a portion of the proceeds of operation over and above the fixed or determinable sum; provided, however, that the vehicle owner provides and maintains insurance on any leased passenger vehicle for hire as required by the city and the state.
- (c) The parties shall agree that the company operating certificate holder shall indemnify the city and hold the city harmless for any claim or cause of action against the city arising from the conduct of the driver.
- (d) The agreement must impose a condition that the driver shall comply with this article, and failure to comply may be considered by the company operating certificate holder a material breach of the contract or lease agreement.
- (e) Nothing contained in this section shall prevent any company operating

certificate holder from paying a fixed fee or other compensation to another company operating certificate holder for furnishing insurance required by this article, for use of terminal facilities or for the privilege of operating under the name of the other company operating certificate holder.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-218. - Duty of certificate holder and permit holder to keep records and file reports.**

- (a) Every company operating certificate holder and vehicle operating permit holder shall maintain on file with the passenger vehicle for hire manager the names of all affiliated drivers, their license numbers and addresses, and shall, within 48 hours after receiving notice of any change in such information, report the change to the passenger vehicle for hire manager.
- (b) When more than one vehicle operating permit holder operates under the same company operating certificate, the company operating certificate holder may keep the records and make the reports required by this article on behalf of all vehicle operating permit holders operating under his name, but the failure of the company operating certificate holder to comply with this section shall not relieve the other vehicle operating permit holders operating under the company operating certificate of responsibility for the records and reports with respect to the passenger vehicles for hire operated by them. It is the intent of this article to impose such responsibilities upon each vehicle operating permit holder.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-219. - Daily manifests.**

- (a) Every owner and driver of a passenger vehicle for hire shall maintain a daily manifest of calls received from persons requesting transportation. Every driver of every passenger vehicle for hire shall keep a daily manifest of the trips made each day; the time, place of origin and destination of each trip; and the number of passengers and amount of fare for each trip. Manifests shall be in a form approved by the passenger vehicle for hire manager and shall be furnished by the driver to the company operating certificate holder.
- (b) Every company operating certificate holder and vehicle operating permit holder shall retain and preserve all drivers' manifests by vehicle operating permit number, in a safe place for at least 90 days, and the manifests shall be made available upon demand for inspection by the passenger vehicle for hire manager or any Charlotte-Mecklenburg Police Department officer.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-220. - Drivers' tags required; dress restrictions.**

- (a) Each passenger vehicle for hire driver shall wear in plain view a tag containing his name and the name of his company. The size, lettering and other features of the name tag shall be approved by the passenger vehicle for hire manager.
- (b) Each driver shall wear clean clothing consisting of shoes and socks, a collared shirt, pants, knee length skirt or dress and, when necessary, an outer winter garment while operating a passenger vehicle for hire. If a hat is worn, it shall be free of any writing or logo except the passenger vehicle for hire company's name and logo. Short pants are not permitted.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-221. - Report of accidents.**

All accidents involving the operation of a passenger vehicle for hire shall be reported to the passenger vehicle for hire manager by the next business day after the accident. The company operating certificate holder, vehicle operating permit holder, and driver for the passenger vehicle for hire involved in an accident shall each be individually responsible for making the required report, which shall be on a form furnished by the passenger vehicle for hire manager. A passenger vehicle for hire involved in an accident may be ordered out of service by the passenger vehicle for hire manager and shall be repaired before being returned to service.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-222. - Occupants.**

At any time a passenger vehicle for hire is occupied by a fare-paying passenger, the passenger vehicle for hire shall not be occupied by any other person except the driver and any person who may be accompanying a fare-paying passenger. This section shall not apply during authorized driver training.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-223. - Failure to provide service; length of delay time.**

- (a) Except as provided in subsection 22-31(j), no driver shall refuse, fail or neglect to provide passenger vehicle for hire service to any person following any call, demand or prearrangement.
- (b) At the time an individual requests passenger vehicle for hire service, he or she shall be advised of the probable time of delay, if service is not expected to be available within 15 minutes of the request or

prearrangement.  
(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-224. - Limitation on hours of driving.**

It shall be unlawful for any driver of any passenger vehicle for hire to continue on active passenger vehicle for hire duty for more than 16 hours, meal time included, during any 24-hour period. Each driver shall enter the time of commencing active duty and ending active duty on the manifest required in section 22-219.

(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-225. - Return of passenger's property.**

- (a) Upon finding property left by a passenger in a passenger vehicle for hire, as the passenger leaves the vehicle, a driver shall immediately notify the passenger and return the property. If the driver has left the drop-off point, or is unable to locate the passenger, or does not know the identity of the passenger, the driver shall promptly deliver the property to his company operating certificate holder.
- (b) Upon delivery of the property to the company operating certificate holder, the driver shall provide the company operating certificate holder with any information available in regard to the property. The company operating certificate holder shall record that information, including the time, date, driver's name and vehicle number, and attach such information to the property. The company operating certificate holder shall hold the property in a secure place for three months.
- (c) If requested by the driver who discovered the property, any unclaimed property in the possession of the company operating certificate holder shall be returned to that driver within a time specified by the company operating certificate holder which shall not exceed 30 days following the required holding period.

(Ord. No. 3065-X, 8-22-2005)

**Secs. 22-226—22-250. - Reserved.**

**DIVISION 7. - RATES AND CHARGES AND POSTING REQUIREMENTS**

Sec. 22-251. - Rates and charges.

Sec. 22-252. - Disputes.

Sec. 22-253. - Posting requirements.

Sec. 22-254. - No extra charge for assisting the disabled, handling wheelchairs or walkers.

Sec. 22-255. - No extra charge for handling baggage; reasonable charge for bulky items.

Sec. 22-256. - Passenger to pay lawful fares; receipt to be furnished upon request.

Secs. 22-257—22-285. - Reserved.

**Sec. 22-251. - Rates and charges.**

- (a) *Filing for passenger vehicles for hire, except taxicabs.* Each applicant for a company operating certificate for a passenger vehicle for hire, except taxicabs, shall file all rates and charges with the passenger vehicle for hire manager at the time of the application or renewal. Rates shall be uniform for each type of passenger vehicle for hire being operated by the passenger vehicle for hire company.
- (b) *Rate and fare zones for taxicabs.* All rate and fare zones for taxicabs shall be established by the passenger vehicle for hire board, as set forth in subsection 22-182(b).
- (c) *Amount of change.* Drivers shall be required to carry a reasonable amount of change in order to conduct business.
- (d) *Changing rates.* Rates for passenger vehicles for hire, except taxicabs, may be changed annually by filing a new rate schedule with the passenger vehicle for hire manager at least 15 days before the effective date. Any company operating certificate holder of a passenger vehicle for hire, other than a taxicab, may petition for a midyear change in the rates which must be filed with the passenger vehicle for hire manager at least 15 days before the effective date. Changes in the rates for taxicabs shall be governed by subsection 22-182(b).

***(Ord. No. 3065-X, 8-22-2005)***

**Sec. 22-252. - Disputes.**

All disputes arising between the passenger and the passenger vehicle for hire driver as to fares shall be arbitrated by the passenger vehicle for hire manager within 20 days of a complaint, and both the passenger and driver shall comply with the passenger vehicle for hire manager's determination. Upon the request of the passenger vehicle for hire manager, an affected limousine company shall provide to the passenger vehicle for hire manager a copy of the contract between the passenger and the limousine company. Appeal of the decision of the passenger vehicle for hire manager may be made to the passenger vehicle for hire board, as provided by division 5 of this article.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-253. - Posting requirements.**

- (a) Each passenger vehicle for hire shall have conspicuously displayed within the interior and upon the exterior of the vehicle the rates of fare according to the rate assessment requirements of this article. The rate notice posted inside and outside the passenger compartment shall be in a typewritten notice, impressed upon a contrasting background, in at least 18-point type. The rates and the driver's permit, in addition to the information required by subsection 22-146(b), must be displayed conspicuously at all times in the card frame attached to the back of the driver's seat or headrest area of the vehicle and shall be clearly visible to a passenger seated in the rear seat of the passenger vehicle for hire. In addition, the posting shall also contain language that complaints may be filed with the passenger vehicle for hire manager and shall include the mailing address and telephone number of the passenger vehicle for hire office.
- (b) Limousines, as defined in section 22-27, are exempt from the requirements of this section, except that all limousines shall include a provision in any written contract for service that complaints may be filed with the passenger vehicle for hire manager and shall include the mailing address and telephone number of the passenger vehicle for hire office. All information required to be posted under this section shall also be displayed in Braille.
- (c) Limousine sedans and SUVs, as defined in section 22-27, are exempt from the requirements of this section, except that all limousine sedans and SUVs shall post within the passenger area of the vehicle a conspicuous notice stating that complaints may be filed with the passenger vehicle for hire manager and shall include the telephone number for the passenger vehicle for hire office.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-254. - No extra charge for assisting the disabled, handling wheelchairs or walkers.**

Under this division, no extra charge shall be made for the transportation of disabled individuals or for handling of manual wheelchairs, walkers or other equipment reasonably necessary for the mobility of persons with disabilities.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-255. - No extra charge for handling baggage; reasonable charge for**

**bulky items.**

Under this division, no extra charge shall be made for the transportation of ordinary hand baggage carried by a passenger. Large trunks and other bulky items accompanying a passenger and not ordinarily construed to be hand baggage may be charged for at the rates filed with the passenger vehicle for hire manager, as provided in subsection 22-251(a) or as approved by the passenger vehicle for hire board pursuant to subsection 22-182(b) and printed on the rate card. Trunks and packages not accompanying passengers are not governed by this article. More than three bags or parcels per person shall not be construed to be ordinary hand baggage, and a reasonable charge may be made for the excess baggage, as filed with the passenger vehicle for hire manager and as provided in subsection 22-251(a) or approved by the passenger vehicle for hire board pursuant to subsection 22-182(b).

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-256. - Passenger to pay lawful fares; receipt to be furnished upon request.**

- (a) It shall be unlawful for any person owning, operating or controlling a passenger vehicle for hire in the city to charge any rate for the use of the passenger vehicle for hire exceeding the rates filed with the passenger vehicle for hire manager or as established by the passenger vehicle for hire board, as provided in section 22-251. No person shall ride in any passenger vehicle for hire and willfully refuse to pay the fare prescribed ~~therefor~~therefore by law. However, this subsection is not intended to prohibit a passenger vehicle for hire passenger from granting a gratuity to the passenger vehicle for hire driver.
- (b) When requested by a passenger, the driver of a passenger vehicle for hire shall deliver to the passenger an accurate, legible receipt showing the passenger vehicle for hire's vehicle operating permit number or taxicab number, the passenger vehicle for hire's company name, the driver's permit number, the date and the amount of fare paid. Refusal on the part of the driver to deliver such receipt upon request shall constitute a defense on behalf of a passenger charged with violating subsection (a).

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-257—22-285. - Reserved.**

**DIVISION 8. - SPECIFICATIONS AND EQUIPMENT**

Sec. 22-286. - Conformance to article.

Sec. 22-287. - General vehicle requirements.

Sec. 22-288. - General maintenance and equipment requirements.

Sec. 22-289. - Meter maintenance and operation.

Sec. 22-290. - Color schemes.

Sec. 22-291. - Placards.

Sec. 22-292. - Radios and television sets.

Sec. 22-293. - Advertising.

Secs. 22-294—22-320. - Reserved.

**Sec. 22-286. - Conformance to article.**

No passenger vehicle for hire shall be granted a vehicle operating permit unless it conforms with all the provisions of this article.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-287. - General vehicle requirements.**

**[Effective until June 30, 2012]**

(a) All passenger vehicles for hire shall satisfy the vehicle age requirements contained in this section. Except as permitted in subsection 22-30(1)d. and as herein stated, on July 1<sup>st</sup>, 2006 and thereafter, it shall be unlawful to place or keep in passenger vehicle for hire service any previously owned or used vehicle, unless the previously owned or used vehicle has been approved by the passenger vehicle for hire manager for passenger vehicle for hire service, and provided:

(1) The vehicle, excepting limousines and para-transit vehicles, is no older than ten years;

(2) The passenger vehicle for hire manager is satisfied with the condition of the passenger vehicle for hire;

(3) Once the vehicle exceeds ten years in age, it shall be removed immediately from passenger vehicle for hire service; and

(4) The passenger vehicle for hire manager is permitted to waive the age limit of ten years for unique vehicles.

(b) All passenger vehicles for hire shall be clean, operable and in good repair. Trunks in all passenger vehicles for hire shall be clean and empty except for one spare tire and necessary emergency equipment.

(c) Each taxicab must have a minimum of three doors, two doors allowing entry

to the driver's compartment of the vehicle and one door allowing entry to the passenger's compartment of the vehicle. Notwithstanding this subdivision, all doors of passenger vehicles for hire shall be operable from the inside and outside of the vehicle and constructed with a double or safety lock on each door.

- (d) All upholstery covering or interior lining in any passenger vehicle for hire shall be substantially free of cuts or tears.
- (e) 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.
- (f) 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.

**[The following version of Section 22-287 will be effective July 1, 2012]**

- (a) All passenger vehicles for hire shall satisfy the vehicle age requirements contained in this section. Except as permitted in subsection 22-30(1)d. and as herein stated, on July 1<sup>st</sup>, ~~2006-2012~~ and thereafter, it shall be unlawful to place or keep in passenger vehicle for hire service any previously owned or used vehicle, unless the previously owned or used vehicle has been approved by the passenger vehicle for hire manager for passenger vehicle for hire service, and provided:

~~(1) The vehicle, excepting limousines and para-transit vehicles, is no older than ten years;~~

The vehicle, excepting limousines and para-transit vehicles, is no older than six years as of July 1, 2012.

~~(2) The passenger vehicle for hire manager is satisfied with the condition of the passenger vehicle for hire;~~

~~(3) Once the vehicle exceeds ten years in age, it shall be removed immediately from passenger vehicle for hire service; and Effective July 1, 2012, once the vehicle, excepting limousines and para-transit vehicles, exceeds six years in age, it shall be removed immediately from passenger vehicle for hire service; and~~

~~(4) The passenger vehicle for hire manager is permitted to waive the age limit of ten-six years for unique vehicles.~~

- (b) All passenger vehicles for hire shall be clean, operable and in good repair.

Trunks in all passenger vehicles for hire shall be clean and empty except for one spare tire and necessary emergency equipment.

- (c) Each taxicab must have a minimum of three doors, two doors allowing entry to the driver's compartment of the vehicle and one door allowing entry to the passenger's compartment of the vehicle. Notwithstanding this subdivision, all doors of passenger vehicles for hire shall be operable from the inside and outside of the vehicle and constructed with a double or safety lock on each door.
- (d) All upholstery covering or interior lining in any passenger vehicle for hire shall be substantially free of cuts or tears.
- (e) 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.
- (f) 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.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-288. - General maintenance and equipment requirements.**

**[Effective through June 30, 2012. ]**

The PVH manager shall have the authority to inspect vehicles according to the following provisions. For the purposes of this section the term "PVH manager" shall also include any designee of the PVH manager.

- (1) The PVH manager may inspect each passenger vehicle for hire before it is placed into service, annually thereafter, and at such other reasonable times as the Manager determines necessary for compliance with this chapter.
- (2) At all times when a passenger vehicle for hire is in service, it must be in compliance with all state safety inspection standards, and must display a valid state inspection sticker. The PVH manager may require inspections to be made and shall take any action necessary to determine compliance.
- (3) If, upon inspection of a passenger vehicle for hire, the PVH manager determines that the vehicle does not meet the requirements of this article, the PVH manager may order the vehicle to be taken out of service until the requirements are met and the vehicle is reinspected and approved by the PVH manager.

- (4)** 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 PVH manager may order the passenger vehicle for hire removed from service until it is made available for inspection.
- (5)** All passenger vehicles for hire shall comply with the following requirements, unless the PVH manager issues a written waiver with specific findings that a particular requirement is not applicable because of the design of the vehicle or the nature of its operation. Inspections shall include the following items [Note: All vehicle components and equipment shall operate properly and meet original manufacturer's specifications. All replacement components and equipment shall also meet manufacturer's original specifications]:

  - a.** Color scheme and logos (as required);
  - b.** Company name and phone number (three inches minimum) (as required);
  - c.** Vehicle number markings (four inches) (as required);
  - d.** Vehicle exterior clean, polished and well-painted;
  - e.** Metal taxicab or commercial vehicle for hire license plate and PVH decals (as specified by section 22-290);
  - f.** Current taxi rate information posted (taxicabs only);
  - g.** Contact information for passenger vehicle for hire manager posted. A sign or notice approved by the PVH manager containing the name, address and telephone number of the company operating certificate holder, the vehicle number, and the telephone number of the PVH manager shall be placed in each vehicle in a place visible to all passengers to assist any passenger who wishes to file a complaint (all other non-metered vehicles);
  - h.** Windshield wiper and defroster operable and adequate;
  - i.** Mirrors, rear and left side view free of cracks and defects;
  - j.** 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 percent or more, with the exception of the uppermost six inches of the front windshield.

- k.** 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;
- l.** 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;
- m.** Meter (taxicabs only). Every taxicab shall be equipped with a meter of a size and design approved by the passenger vehicle for hire manager and which conforms to National Institute of Standards and Technology (NIST) specifications (See § 22-289). All meters shall be sealed;
- n.** Toplight (taxicabs only) equipped with a top light of a design approved by the passenger vehicle for hire manager. All toplights shall be equipped with a tamperproof switch and system of electrical distribution so that, when the taxicab is vacant, the vacant sign (or center section of toplight) on the taxicab will be lit; when the taxicab is occupied, the toplight will be unlit and fare indicator on the meter and tattle-tale lights will be lit;
- o.** Heater and air conditioner operable. Heater must not produce smell of coolant in interior of vehicle. Air conditioner must cool interior air to sixty-five degrees (65°) Fahrenheit at the vent face without using the interior air recycle feature;
- p.** Headlights, tail lights, parking lights, turn signal lights, brake lights, back-up lights, license plate lights, side lights and emergency flashers operable. Must also be covered with undamaged lenses of appropriate type and color;
- q.** Accessible vehicle equipment (for any vehicle equipped with such), including wheelchair ramps, tie-downs, safety belts and wheelchair lifts well maintained and operable;
- r.** 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;
- s. Braking system including emergency brake capable of holding vehicle on a 30 degree incline with gear selector in neutral;
  - t. 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;
  - u. 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;
  - v. Horn operable; loud, clear sound;
  - w. Interior panels properly secured, free of tears and dirt;
  - x. Interior lights and driver instrument displays (speedometer, odometer, gear selection indicator, seat belt warning light, and engine warning system) operable;
  - y. Floor covering. No metal showing, undamaged, clean rubber-backed floor mats;
  - z. Headliner clean, completely attached to interior ceiling and along edges;
  - aa. Upholstered area clean, no tears;
  - bb. Seats clean, unbroken and fastened securely, no exposed springs, wires or framework;
  - cc. Seat belts for driver and each passenger position clean, accessible, and operable;
  - dd. Accelerator, brake, emergency brake, and clutch pedals. Rubber pads in good condition, no exposed metal;
  - ee. 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;

- ff.** Bumpers, grills, and body molding. No decals, bumper stickers or advertisements unless specifically approved by the passenger vehicle for hire manager;
- gg.** All bumpers and body moldings shall be in good condition and properly attached as when manufactured;
- hh.** 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:
  - 1. A body defect six linear inches or greater and where the deepest point of depression is one-quarter-inch or greater; or
  - 2. 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; or
  - 3. 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); or
  - 4. Exterior paint which is not uniform in color, does not completely cover the vehicle, or is not in compliance with approved color scheme;
  - 5. Any body panel, trunk, or hood misalignment;
- ii.** Steering system. No excessive play in steering column or front wheel assemblies;
- jj.** Suspension system meets manufacturer's specifications, components provide steady ride without excessive bouncing;
- kk.** Transmission. No slippage, proper function of each gear including "Park" position;

- ll. Exhaust system. No exhaust leaks, no missing support for tail pipe;
  - mm. Two-way radio (taxicabs);
  - nn. All taxicabs shall have a rigid roof and at least three doors;
  - oo. Gas cap for fuel fill;
- (6) 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. These safety violations include, but are not limited to:
- a. Inoperable windshield wiper or defroster;
  - b. Damaged or missing mirrors;
  - c. Windshield with crack or defect;
  - d. Inoperable door handles or locks;
  - e. Inadequate brake or emergency brake;
  - f. Inoperable headlight (low beam), tail light, turn signal light, or brake light;
  - g. Inoperable horn;
  - h. Inoperable speedometer or gear selection indicator;
  - i. Seats broken or not fastened securely;
  - j. Inoperable or missing seat belts;
  - k. Rubber pads worn to exposed metal from accelerator, brake, emergency brake or clutch pedals;
  - l. Steering system defect;
  - m. Suspension system defect;

- n. Inoperable two-way radio;
  - o. Missing gas cap for fuel fill;
  - p. Exhaust system leak; or
  - q. Bumper damaged so that it reduces protection from low speed collisions.
7. In the event that a provision of this section imposes a different standard or requirement, than does a state inspection standard or requirement, the provision imposing the more restrictive standard or requirement shall govern.

**[The following version of Section 22-288 will be effective July 1, 2012]:**

The PVH manager shall have the authority to inspect vehicles according to the following provisions. For the purposes of this section the term "PVH manager" shall also include any designee of the PVH manager.

- (1) The PVH manager may inspect each passenger vehicle for hire before it is placed into service, annually thereafter, and at such other reasonable times as the Manager determines necessary for compliance with this chapter.
- (2) At all times when a passenger vehicle for hire is in service, it must be in compliance with all state safety inspection standards, and a copy of the latest state safety inspection must be carried in the vehicle at all times. ~~must display a valid state inspection sticker.~~ The PVH manager may require inspections to be made and shall take any action necessary to determine compliance.
- (3) If, upon inspection of a passenger vehicle for hire, the PVH manager determines that the vehicle does not meet the requirements of this article, the PVH manager may order the vehicle to be taken out of service until the requirements are met and the vehicle is reinspected and approved by the PVH manager.
- (4) 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 PVH manager may order the passenger vehicle for hire removed from service until it is made available for inspection.

- (5) All passenger vehicles for hire shall comply with the following requirements, unless the PVH manager issues a written waiver with specific findings that a particular requirement is not applicable because of the design of the vehicle or the nature of its operation. Inspections shall include the following items [Note: All vehicle components and equipment shall operate properly and meet original manufacturer's specifications. All replacement components and equipment shall also meet manufacturer's original specifications]:
- a. Color scheme and logos (as required);
  - b. Company name and phone number (three inches minimum) (as required);
  - c. Vehicle number markings (four inches) (as required);
  - d. Vehicle exterior clean, polished and well-painted;
  - e. Metal taxicab or commercial vehicle for hire license plate and PVH decals (as specified by section 22-290);
  - f. Current taxi rate information posted (taxicabs only);
  - g. Contact information for passenger vehicle for hire manager posted. A sign or notice approved by the PVH manager containing the name, address and telephone number of the company operating certificate holder, the vehicle number, and the telephone number of the PVH manager shall be placed in each vehicle in a place visible to all passengers to assist any passenger who wishes to file a complaint (all other non-metered vehicles);
  - h. Windshield wiper and defroster operable and adequate;
  - i. Mirrors, rear and left side view free of cracks and defects;
  - j. 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 percent or more, with the exception of the uppermost six inches of the front windshield.
  - k. 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;

- l.** 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;
- m.** Meter (taxicabs only). Every taxicab shall be equipped with a meter of a size and design approved by the passenger vehicle for hire manager and which conforms to National Institute of Standards and Technology (NIST) specifications (See § 22-289). All meters shall be sealed;
- n.** Toplight (taxicabs only) equipped with a top light of a design approved by the passenger vehicle for hire manager. All toplights shall be equipped with a tamperproof switch and system of electrical distribution so that, when the taxicab is vacant, the vacant sign (or center section of toplight) on the taxicab will be lit; when the taxicab is occupied, the toplight will be unlit and fare indicator on the meter and tattle-tale lights will be lit;
- o.** Heater and air conditioner operable. Heater must not produce smell of coolant in interior of vehicle. Air conditioner must cool interior air to sixty-five degrees (65°) Fahrenheit at the vent face without using the interior air recycle feature;
- p.** Headlights, tail lights, parking lights, turn signal lights, brake lights, back-up lights, license plate lights, side lights and emergency flashers operable. Must also be covered with undamaged lenses of appropriate type and color;
- q.** Accessible vehicle equipment (for any vehicle equipped with such), including wheelchair ramps, tie-downs, safety belts and wheelchair lifts well maintained and operable;
- r.** 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;
- s.** Braking system including emergency brake capable of holding vehicle on a 30 degree incline with gear selector in neutral;

- t. 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;
- u. 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;
- v. Horn operable; loud, clear sound;
- w. Interior panels properly secured, free of tears and dirt;
- x. Interior lights and driver instrument displays (speedometer, odometer, gear selection indicator, seat belt warning light, and engine warning system) operable;
- y. Floor covering. No metal showing, undamaged, clean rubber-backed floor mats;
- z. Headliner clean, completely attached to interior ceiling and along edges;
- aa. Upholstered area clean, no tears;
- bb. Seats clean, unbroken and fastened securely, no exposed springs, wires or framework;
- cc. Seat belts for driver and each passenger position clean, accessible, and operable;
- dd. Accelerator, brake, emergency brake, and clutch pedals. Rubber pads in good condition, no exposed metal;
- ee. 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;

- ff.** Bumpers, grills, and body molding. No decals, bumper stickers or advertisements unless specifically approved by the passenger vehicle for hire manager;
- gg.** All bumpers and body moldings shall be in good condition and properly attached as when manufactured;
- hh.** 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:
  - 6.** A body defect six linear inches or greater and where the deepest point of depression is one-quarter-inch or greater; or
  - 7.** 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; or
  - 8.** 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); or
  - 9.** Exterior paint which is not uniform in color, does not completely cover the vehicle, or is not in compliance with approved color scheme;
  - 10.** Any body panel, trunk, or hood misalignment;
- ii.** Steering system. No excessive play in steering column or front wheel assemblies;
- jj.** Suspension system meets manufacturer's specifications, components provide steady ride without excessive bouncing;
- kk.** Transmission. No slippage, proper function of each gear including "Park" position;
- ll.** Exhaust system. No exhaust leaks, no missing support for tail pipe;
- mm.** Two-way radio (taxicabs);

**nn.** All taxicabs shall have a rigid roof and at least three doors;

**oo.** Gas cap for fuel fill;

**pp.** (Taxicabs only) Taxicab shall have a backseat credit card payment device which enables passengers to use credit cards or debit cards to pay for their fare. All backseat credit card payment devices shall be turned on, active and usable for passengers to pay fares. Once a driver becomes aware that the credit card payment device is inoperable, the driver shall pull the passenger vehicle for hire from service within 12 hours;

**qq.** (Taxicabs only) Taxicab shall have a Global Positioning System (GPS) that is usable for navigation by the driver. A Global Positioning System for purposes of this Chapter does not include any type of cellular telephone (including smart phones).

**(6)** 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. These safety violations include, but are not limited to:

r. Inoperable windshield wiper or defroster;

s. Damaged or missing mirrors;

t. Windshield with crack or defect;

u. Inoperable door handles or locks;

v. Inadequate brake or emergency brake;

w. Inoperable headlight (low beam), tail light, turn signal light, or brake light;

x. Inoperable horn;

y. Inoperable speedometer or gear selection indicator;

z. Seats broken or not fastened securely;

aa. Inoperable or missing seat belts;

- bb. Rubber pads worn to exposed metal from accelerator, brake, emergency brake or clutch pedals;
- cc. Steering system defect;
- dd. Suspension system defect;
- ee. Inoperable two-way radio;
- ff. Missing gas cap for fuel fill;
- gg. Exhaust system leak; or
- hh. Bumper damaged so that it reduces protection from low speed collisions.

7. In the event that a provision of this section imposes a different standard or requirement, than does a state inspection standard or requirement, the provision imposing the more restrictive standard or requirement shall govern.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-289. - Meter maintenance and operation.**

- (a) No person shall use or permit a taxicab to be used for the provision of passenger vehicle for hire service while the meter installed in such vehicle is unsealed or its gear is not intact.
- (b) Any time a taxicab is occupied by a person other than the driver, the meter must be on and operating, regardless of the actual fare charged. It shall be the duty of the driver to call to the attention of the passenger the amount registered on the meter.
- (c) No person shall operate or cause to be operated a taxicab unless the vehicle is equipped with a meter that has been duly inspected and approved by the passenger vehicle for hire manager and, otherwise, meets all the requirements of a taxicab contained in this article. It shall be unlawful to reduce the size of wheels or tires of a taxicab or to change the gears that operate the meter.
- (d) The meter shall be mounted in such a fashion that it does not present a sight obstruction.

- (e) The meter shall be mounted in such a fashion that it does not present a hazard should a passenger riding in the right front seat be thrown against the vehicle dashboard. If the meter is not mounted so as to satisfy this requirement, the right front seat cannot be occupied by a passenger.
- (f) The meter shall meet and be operated to the standards set forth for taximeters by the National Institute of Standards and Technology (NIST) in the NIST Handbook 44 2003 Edition, § 5.54 Taximeters.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-290. - Color schemes.**

- (a) Every passenger vehicle for hire company shall adopt a color scheme that is distinct from that of any other passenger vehicle for hire company for the painting of its taxicabs, and all taxicabs of a passenger vehicle for hire company using the same rate of fare schedule shall have the same color scheme. A taxicab that operates from the terminal and under the name of a company operating certificate holder shall use the same color scheme as the company operating certificate holder.
- (b) The name of the passenger vehicle for hire company, the passenger vehicle for hire number, which shall correspond with the number of the company operating certificate, and the telephone number of the passenger vehicle for hire company shall be affixed with permanent paint or permanent decals on both sides and the rear of each passenger vehicle for hire, with the letters being at least three inches high on the side and on the rear. The passenger vehicle for hire number shall be in numbers at least four inches in height. Magnetic signs, temporary signs or removable decals which display the name of the passenger vehicle for hire company or the passenger vehicle for hire number are prohibited. Limousines, limousine sedans and SUVs, as defined in section 22-27, shall be exempt from the requirements of this section. In lieu of the identification requirements for which they are exempt, limousine sedans and SUVs are required to have the following:
  - (1) Permanent window decals that include the passenger vehicle for hire company and telephone number within an area that is four inches by four inches and are placed at the passenger entry doors.
  - (2) A front license plate that includes the passenger vehicle for hire company name.
  - (3) A rear license plate frame that includes the passenger vehicle for hire

~~company name and telephone number.~~

- (c) Colors of paint used for lettering and numbering shall be of sharp contrast with the color of the surface paint to which they are applied, so as to be evenly visible at a reasonable distance, especially at night with streetlights. Lettering or numbering shall not be acceptable where it has been painted upon sheetmetal or other material which can be removed or detached from the passenger vehicle for hire.
  
- (d) No person shall operate a vehicle that is identified as a passenger vehicle for hire unless use of the vehicle as a passenger vehicle for hire has been authorized pursuant to this article. No person shall operate a passenger vehicle for hire containing a passenger vehicle for hire company's color scheme or identification without authorization from the company operating certificate holder unless the company operating certificate has been revoked.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-291. - Placards.**

The only placards permitted shall be the "vacant" and "off-duty" placards and shall be placed on the dashboard of taxicabs only. The placard is to be made of gravoply, three inches by ten inches, with two-inch-high letters, black on white background. The "vacant" inscription shall be placed on one side and "off-duty" on the reverse, if one placard is used. The "vacant" placard shall be used only when the taxicab driver has no passenger, but desires such, and the taxicab is unoccupied except for the driver. The "off-duty" placard shall be used only when the driver has no passenger and desires no passenger.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-292. - Radios and television sets.**

No driver shall operate an AM or FM radio or a television in any taxicab while the taxicab is being used to transport passengers for hire in the city. However, this section shall not prohibit the use in any taxicab, operating under this article, from using a radio device for the purpose of receiving instructions from the office or headquarters of the person owning the taxicab.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-293. - Advertising.**

- (a) No passenger vehicle for hire shall display any advertising assemblies other than specifically allowed by subsection (b).

(b) Each passenger vehicle for hire may display one advertising assembly. The advertising assembly may only be mounted on the top of the vehicle roof. All advertising assemblies must be approved in advance by the passenger vehicle for hire manager prior to mounting on any passenger vehicle for hire. In reviewing advertising assemblies for approval, the passenger vehicle for hire manager shall approve only those advertising assemblies that:

(1) Do not obscure any required vehicle markings, including the color scheme.

(2) Do not add more than 18 inches to the overall height of the vehicle.

(3) Do not extend beyond the top of the front windshield or rear window.

(4) Are securely mounted to the top of the vehicle and are without lighting.

*(Ord. No. 3065-X, 8-22-2005)*

Secs. 22-294—22-320. - Reserved.

#### **DIVISION 9. - INSPECTION AND MAINTENANCE OF EQUIPMENT**

Sec. 22-321. - Inspection; right of entry; withdrawal of vehicle when not in good condition; right of reinspection.

Sec. 22-322. - Repair of unsafe vehicle.

Sec. 22-323. - Cleanliness of vehicle.

Secs. 22-324—22-350. - Reserved.

**Sec. 22-321. - Inspection; right of entry; withdrawal of vehicle when not in good condition; right of reinspection.**

(a) Before a vehicle operating permit is issued or renewed for any company operating certificate holder under this article, the passenger vehicle for hire for which such vehicle operating permit is requested shall be delivered to a place designated by the passenger vehicle for hire manager, who shall ascertain whether such passenger vehicle for hire complies with this article.

(b) The passenger vehicle for hire manager, or his designee, shall have the right, at any time, after displaying proper identification, to enter into or upon any licensed passenger vehicle for hire for the purpose of ascertaining whether or not any of the sections of this article is being violated. It shall be unlawful for any person who owns or is in control of a passenger vehicle for hire to refuse, upon the passenger vehicle for hire manager's request, to present the passenger vehicle for hire for inspection

or removal of the vehicle decal.

- (c) Any passenger vehicle for hire that is found after inspection to be unsafe for passenger vehicle for hire service or out of compliance with this article may be immediately ordered out of service by the passenger vehicle for hire manager and, before being placed back in service, shall be delivered to the passenger vehicle for hire manager at a designated point for reinspection.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-322. - Repair of unsafe vehicle.**

Any passenger vehicle for hire found by the company operating certificate holder and/or vehicle operating permit holder to be unsafe for passenger vehicle for hire service shall have such repairs and alterations made, as may be required, and the certificate holder and/or permit holder shall not operate, or cause or permit to be operated, any such passenger vehicle for hire until all such repairs and alterations have been completed. All repairs and alterations to any passenger vehicle for hire removed from service pursuant to this section shall be approved by the passenger vehicle for hire manager.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-323. - Cleanliness of vehicle.**

Every company operating certificate holder and vehicle operating permit holder shall ensure that the interior and exterior of each of his passenger vehicles for hire is maintained at all times in a clean condition.

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-324—22-350. - Reserved.**

**DIVISION 10. - AIRPORT SERVICE**

Sec. 22-351. - Operating agreements; permit required.

Sec. 22-352. - Drivers.

Sec. 22-353. - Adoption of regulations.

Sec. 22-354. - Execution of operating agreement.

**Sec. 22-351. - Operating agreements; permit required.**

July 25, 2011

Ordinance Book 57, Page 315

- (a) No passenger vehicle for hire shall operate at the airport unless the passenger vehicle for hire company it is associated with has obtained a current airport passenger vehicle for hire permit for the vehicle as a result of entering into an airport operating agreement. Such airport operating agreements shall be entered into annually, shall require the payment of appropriate fees and shall obligate the passenger vehicle for hire company and permitted vehicle to adhere to certain standards of operation at the airport. The airport passenger vehicle for hire permit may be revoked or may not be renewed if there is a failure of the passenger vehicle for hire company to comply with the terms of the agreement.
- (b) All drivers operating at the airport pursuant to a valid airport passenger vehicle for hire permit may also engage in the provision of other passenger vehicle for hire services throughout the city and shall otherwise comply with all the sections of this article.
- (c) Any airport passenger vehicle for hire permit may be revoked or suspended upon the breach of a term or condition of the airport operating agreement. The sole remedy for any such revocation or suspension shall be a breach of contract action. Appeal rights afforded under the vehicle operating permit pursuant to section 22-71 do not apply to the suspension or revocation of an airport passenger vehicle for hire permit.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-352. - Drivers.**

- (a) The aviation director, or his designee, shall have the authority to prohibit any driver from transporting passengers from the airport terminal if he finds that the person has violated any provision of the following:
  - (1) This article;
  - (2) The airport operating agreement between the city and the passenger vehicle for hire company authorizing the passenger vehicle for hire to operate at the airport; or
  - (3) Any rule or regulation adopted by the airport for passenger vehicles for hire or limousines.
- (b) Any driver prohibited from operating a passenger vehicle for hire as provided in subsection (a) shall not transport any passenger in any passenger vehicle for hire from the airport terminal for the period prescribed in the applicable airport operating agreement between the city and the passenger vehicle for hire company or the rules and regulations made a part thereof.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-353. - Adoption of regulations.**

The aviation director shall have the authority to adopt reasonable rules and regulations for the safe, courteous and orderly operation of passenger vehicles for hire or limousines at Charlotte/Douglas International Airport.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-354. - Execution of operating agreement.**

The aviation director, or his designee, is authorized to execute all airport operating agreements on behalf of the city.

*(Ord. No. 3065-X, 8-22-2005)*

ORDINANCE NO. 4702-X

O-4

AN ORDINANCE TO AMEND ORDINANCE NUMBER 4682-X, THE 2011-2012 BUDGET ORDINANCE APPROPRIATING A FUNDING CONTRIBUTION FROM MECKLENBURG COUNTY FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF DUAL BRIDGES ON I-485 OVER CLARK'S CREEK

BE IT ORDAINED, by the City Council of the City of Charlotte;

- Section 1. That the sum of \$661,000 is hereby estimated to be available from Mecklenburg County Park & Recreation
- Section 2. That the sum of \$661,000 is hereby appropriated in the General Capital Investment Fund (2010) to the Connectivity Project Center (47473).
- Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 4. All ordinances in conflict with this ordinance are hereby repealed.
- Section 5. This ordinance shall be effective upon adoption.

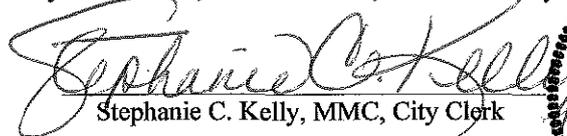
Approved as to form:

  
\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the city of Charlotte, North Carolina, in regular session convened on the 25<sup>th</sup> day of July, 2011 the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Page 317.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of

  
Stephanie C. Kelly, MMC, City Clerk



ORDINANCE NO. 4703-X

O-5

AN ORDINANCE TO AMEND ORDINANCE NUMBER 4682-X , THE 2011-2012 BUDGET ORDINANCE, APPROPRIATING \$500,000 RECEIVED FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) GRANT TO FUND A PORTION OF THE RUNWAY 18C/36C REHABILITATION PROJECT.

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$500,000 is received from the North Carolina Department of Transportation (NCDOT) Grant to fund the Airport Runway 18C/36C Rehabilitation project

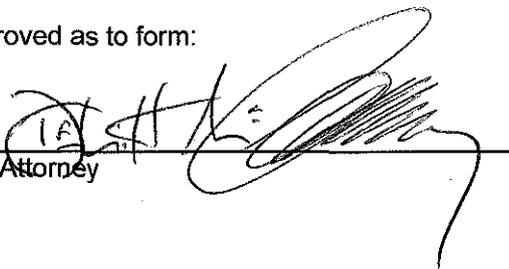
Section 2. That the sum of \$500,000 is hereby appropriated to the Airport Capital Improvement Budget: 2092 - 555.01

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

  
\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the city of Charlotte, North Carolina, in regular session convened on the 25<sup>th</sup> day of July, 2011 the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Page 318.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29<sup>th</sup> day of July, 2011.

  
Stephanie C. Kelly, MMC, City Clerk

