

AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE "JOHN JAMISON HOUSE" AND THE LAND ASSOCIATED THEREWITH AS HISTORIC PROPERTY, AT 802 PROVIDENCE ROAD, IN THE CITY OF CHARLOTTE, NORTH CAROLINA, AND RECORDED ON PARCEL NUMBER 155-051-06 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Part 3B, Article 19, Chapter 160A, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at the joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 26th day of October, 19 81, on the question of designating the property known as the "John Jamison House" as historic property; and

WHEREAS, the house is the oldest house which survives in Myers Park, the elegant streetcar suburb designed by John Nolen; and

WHEREAS, the "John Jamison House" is the only dwelling of rusticated granite construction in the original section of Myers Park; and

WHEREAS, John M. Jamison, the original owner, was a hotelier of regional importance; and

WHEREAS, the grounds of the "John Jamison House" retain their original ambience; and

WHEREAS, the property known as the "John Jamison House" is vested in fee simple to Mutual Savings and Loan Association.

NOW, THEREFORE BE IT ORDAINED by the City Council of Charlotte, North Carolina:

1. That the property known as the "John Jamison House" and the land associated therewith, is hereby designated as historic property pursuant to Part 3B, Article 19, Chapter 160A, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated on a tract of property at 802 Providence Road, in Charlotte, North Carolina, as recorded on Parcel Number 155-051-06 in the Tax Office of Mecklenburg County, North Carolina.

2. That said designated property may be materially altered, restored, moved, or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An Application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign shall be placed on said property. If the owner objects, the sign shall be placed on a nearby public right-of-way.

5. That the owners and occupants of the property known as the "John Jamison House" be given the notice of this ordinance as required by applicable law, and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Inspection Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

5. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Thodehill Jr.
City Attorney

CERTIFICATION

I, Ruth Armstrong, 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 26th day of October, 1981, the reference having been made in Minute Book 77, and is recorded in full in Ordinance Book 31; at Pages 59-61.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of October, 1981.

Ruth Armstrong, City Clerk

ORDINANCE NO. 1068 AMENDING CHAPTER 19 ARTICLE I
AN ORDINANCE REGULATING TAXICAB OPERATIONS

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina that:

Section 1. Article I of Chapter 19 of the Code of the City of Charlotte is hereby rewritten to read as follows:

Article I. Taxicabs

PART 1. IN GENERAL

Sec. 19-1. Definitions.

The following words and phrases shall, for the purpose of this Article, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

- a. City Manager. The City Manager of the City of Charlotte.
- b. Council. The City Council of the City of Charlotte.
- c. Cruising. The movement of a vehicle for hire over public streets or public vehicular areas in search of passengers or for the purpose of attracting passengers.
- d. Driver. Any person who drives a taxicab.
- e. Driver's Permit. The license issued by the Inspector to any person to enable that person to drive a taxicab vehicle.
- f. Individual Owner-Driver. Shall mean a person, self-employed, who engages in the business of operating a single taxicab, as its owner and driver. The term includes all Operating Permit holders who hold no more than one such Operating Permit.
- g. Inspector. Inspector of taxicabs of the city.
- h. Manifest. A daily record, prepared by the driver, of all trips made by the taxicabs which he operates, showing time and place of origin and destination of each trip and the amount of fare.
- i. Medallion. A non-transferable numbered insignia to provide exterior identification that a particular taxicab has a valid Operating Permit associated with it.
- j. Operating Permit. The license, issued by the City Manager or his designee, under which a person, firm, partnership, association or corporation may operate a taxicab vehicle, and which shows that the convenience and necessity of the public requires the operation of such taxicab.

- k. Operating Permit Holder. The vehicle owner and supporting services provider to whom an Operating Permit for the operation of a taxicab has been issued.
- l. Person. Any individual, partnership, association, corporation or other organization owning, operating or proposing to operate any taxicab or taxicabs, within this city.
- m. Rate Card. The card issued by the Inspector for display within each taxicab for which an Operating Permit has been issued, describing the schedule of fares charged by such taxicab.
- n. Special Services Permit. A license issued by the City Manager, or his designee, to a Operating Permit Holder for the purpose of allowing the Operating Permit Holder to provide taxicab service different from the service described in this Article, as provided in Section 19-54(a)(4).
- o. Supporting Service Provider. The person who provides, or guarantees to provide, the requirements of Subsections 19-11(a)(6) and 19-13(3).
- p. Street. Street shall mean and include any street, alley, avenue, highway, or any other public vehicular area within the corporate limits of the city as the same may exist or may be hereafter extended.
- q. Taxicab. Any motor vehicle seating nine or fewer passengers and driver-operated for hire upon any street, on call or demand. This shall not include limousines, as defined in Chapter 4 of this code.

Sec. 19-2. Penalties.

It shall be unlawful for any person to violate any of the provisions of this Article. In the event the person violating any provision of this Article is a corporation, the officers, agents or employees thereof who shall violate or procure, aid or abet any violation of any provisions of this Article or permit the operation of any taxicab contrary to the requirements hereof, shall be subject to the same penalties as if they, themselves, were personally operating such taxicab at the time such violations were committed. Upon being convicted of a violation of any of the provisions of this Article, the City Manager or his designee may suspend or revoke any Operating Permit(s) held by such person, and the Inspector may suspend or revoke the Driver's Permit of any driver convicted of a violation of any of the provisions of this Article.

Sec. 19-3. Inspector of Taxicabs - Office created; appointment.

There is hereby created the office of Inspector of taxicabs, who shall be appointed by the City Manager, or his designee.

Sec. 19-4. Same -- Duties; generally.

The Inspector is charged with the duties required of him under this Article and in general shall be responsible for the inspection of taxicabs, the licensing of the drivers thereof and the safety of the public in connection with the operation of taxicabs.

Sec. 19-5. Same -- Reports and recommendations.

The Inspector shall advise the City Manager with respect to matters covered or incidentally involved in the operation or administration of this Article. He shall make such reports to the City Manager and the City Council as may be required. He shall make recommendations to the City Manager with respect to whether applicants for an Operating Permit meet the eligibility criteria set out in Section 19-13.

Sec. 19-6. Reserved.

Sec. 19-7. Reserved.

PART 2. OPERATING PERMIT

Sec. 19-8. Required.

No person shall operate any taxicab in the city without first having obtained an Operating Permit authorizing such operation.

Sec. 19-9. Issuance of Permit

- a. The City Council, by resolution, may, in its discretion, limit by policy the total number of taxicab Operating Permits to be granted. The Charlotte Department of Transportation will review on a annual basis the limit on the total number of Operating Permits available and make recommendations for changes, if any. An Operating Permit, whether or not limited in number, shows that by its issuance the convenience and necessity of the public requires the operation of such taxicab.
- b. The City Council authorizes the City Manager, or his designee, to issue Operating Permits to any applicant or applicants 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 19-25. Such Operating Permits shall be issued for a period of one year and be renewable annually upon payment of a regulatory fee provided by Section 19-25.
- c. No Operating Permit shall be issued or renewed to any person who shall not have fully complied with all of the prerequisite requirements of this Article before the commencement of the operation of the proposed service.
- d. When the Operating Permit has been authorized, and upon determination by the Inspector that the color scheme is sufficiently distinctive as not to cause confusion with other taxicab vehicles already operating, and that the taxicab vehicle, after appropriate inspection, meets the requirements of this Article, the Inspector will issue for each taxicab vehicle a numbered medallion to be fixed to the outside left rear portion of the taxicab vehicle for which the Operating Permit is issued, in plain view from the rear of the taxicab vehicle. Loss or destruction or defacing of the medallion shall be reported to the Taxicab Inspector.

- e. The privilege of engaging in the business of operating a taxicab vehicle in the City of Charlotte granted in the Operating Permit is personal to Operating Permit holders. The rights and the requirements and responsibilities which attach to the Operating Permit remain with the holder at all times the taxicab vehicle is operated in the City of Charlotte under the authority of the Operating Permit. 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 Operating Permit holders irrespective of the form or characterization of the agreement under which the Operating Permit holder and/or driver operates the taxicab vehicle.
- f. The Operating Permit holder shall, in the case of any change in business address or telephone, notify the Inspector in writing of such change within 48 hours of the effective date of the change.

Sec. 19-10. Authorization to operate taxicabs under Operating Permit.

Nothing contained in this Article shall prohibit any person from owning or operating a taxicab under an Operating Permit provided, that such person shall operate under the color scheme of such Operating Permit and use said depot or terminal, dispatcher service, radio equipment and taximeter, and provided that such person shall have a valid taxicab Driver's Permit issued by the Inspector, as provided for in Part 3 of this Article; nor shall this Article prohibit any association of individual owner-drivers operating a taxicab under an Operating Permit issued to participants in the association.

Sec. 19-11. Application requirements.

- a. All applications for an Operating Permit are to be submitted by the vehicle owner and the supporting service provider, hereafter called applicant, to the Inspector in triplicate, on forms provided by the Inspector stating as follows:
 - 1. The name and address of the applicants and, in the event that an applicant is a corporation, a certified copy of the articles of incorporation or in the event that such person is an association, a certified copy of the by-laws of the association;
 - 2. The number of vehicles presently operated by service provider on the date of such application, if any;
 - 3. The color scheme for which the Operating Permit is desired;
 - 4. The make, type, and passenger capacity of the taxicab for which application for an Operating Permit is made;
 - 5. The court record of the applicant. If an applicant is a corporation, or association, the record of the officers, directors and supervising employees thereof, including general manager, if any;

6. The applicant's submittal of the following conditional information:
 - a. Existence of a depot or terminal on private property;
 - b. Ability to provide radio-dispatched taxi service 24 hours a day 7 days a week;
 - c. Ability to provide adequate supervision of taxicabs and drivers operating under the Operating Permit(s); and
 - d. Evidence that the telephone number(s) of the taxicab company will be listed in the Charlotte telephone directory to be issued.
 - e. Color, style and markings of company uniform.
7. The applicant shall swear that the information submitted is neither false nor misleading. Submitting, or causing to submit, false or misleading information is unlawful and shall be grounds for denial of an Operating Permit.

Sec. 19-12. Hearing on application.

The City Manager, or his designee, may require a hearing with the Operating Permit applicant, if the Manager is not convinced, that the applicant meets all eligibility criteria and has provided all necessary data to the City Manager as outlined in Sections 19-11.

Sec. 19-13. Issuance; conditions.

On recommendation of the Inspector, the City Manager, or his designee, shall authorize issuance to every person who shall have filed application therefor, as herein provided, an Operating Permit for such taxicab, subject to the conditions this ordinance may require, provided:

1. The vehicle for which application for an Operating Permit or Permits is made shall have been found, after investigation by the Inspector, to be in strict compliance with this Article; and
2. The court record of the applicant is not such as would make it against the public interest for such application to be granted; and
3. The applicants thereof shall have complied with all the provisions of this Article, including, but not limited the provision of; and
 - a. A depot or terminal on private property; and
 - b. Radio-dispatched 24-hour service with centralized dispatching; and
 - c. Adequate supervision of drivers; and
 - d. Evidence that telephone numbers for the taxicab company will be listed in the next Charlotte telephone directory issued; and
 - e. Color, style and markings of company uniform.
4. The issuance is not in conflict with such conditions as placed by City Council on the issuance of Operating Permits.

Upon authorization by the City Manager, or his designee, the Inspector shall issue the Operating Permit, and shall place it in the card frame of the vehicle. At that time, the Inspector shall affix the medallion, as required by Section 19-9(d).

Sec. 19-14. Expiration.

All Operating Permits shall expire on December 31st of the year during which such Operating Permit is granted. The Operating Permit shall automatically expire if the conditions under which the permit was issued, as provided in Section 19-13, change without prior approval of the Inspector.

Sec. 19-15. Renewal.

Upon application, prior to the end of each calendar year, the City Manager, or his designee, shall renew any Operating Permit, or cause a new Operating Permit to be issued for the ensuing year, in the absence of any contrary evidence and finding of the City Manager, or his designee, regarding the Operating Permit holder's fulfillment of the eligibility criteria in Sec. 19-13 and his ability to comply with the provisions of this Article.

Sec. 19-16. Reserved.Sec. 19-17. Transfer of permit.

- a. Each permit issued pursuant to the provisions of this section is separate and distinct and shall not be transferable from the Operating Permit holder to another person or entity without prior approval of the City Manager, or his designee. Neither the City Manager nor his designee will approve any transfer in conflict with any restrictions placed by Council, as provided by Sec.19-9(b).
- b. Where the permit holder is a corporation, partnership or other legal entity other than a natural person, transfer of the majority of the ownership interest shall result in the automatic revocation of any Operating Permit previously granted to the Operating Permit holder; unless, the prospective owners of the new entity obtain prior approval from the City Manager, or his designee, for the transfer of Operating Permits to the new entity.
- c. Whenever an application for a transfer of permit is made, the City Manager, or his designee, shall require such information as required for the original issuance of the Operating Permit, as set forth in Section 19-11(a) of this Article.
- d. Upon approval of a transfer of an Operating Permit by the City Manager, or his designee, the City Manager, or his designee within thirty (30) days of such transfer, shall issue a new Operating Permit, and provided said applicant has complied with all the provisions of this Section.

Sec. 19-18. Availability of permit.

The Inspector shall maintain a list of persons desiring to obtain Operating Permit(s) including number of permits desired by that person. In the event that Operating Permit(s) become available through revocation, retirement or other means, as long as the total number of Operating Permits issued does not exceed the limit, if any, placed by City Council on the total number of Operating Permits, then the Inspector shall inform the City Manager or his designee that Operating Permit(s) are available. Provided that an approved application for an Operating Permit is on file, the City Manager or his designee shall offer one (1) Operating Permit to this first person on the Inspector's list, and that person shall have seven (7) days to present the prospective taxicab to the Inspector for approval, in accordance with Section 19-13(1). If at the end of the seven (7) day period, approval is not received, then the City Manager, or his designee, shall offer the available Operating Permit to the second person on the list, and this person shall fulfill the same conditions of issuance. If not, the City Manager shall continue down the list in the same manner. If more than one permit is available, the City Manager shall continue to make offers moving down the list until all permits are issued. In the event that the end of the list is reached and additional Operating Permits are available, then offers shall be made starting at the beginning of the list, and so forth until all available Operating Permits are issued, or until no further persons desiring Operating Permits and who have approved applications, are available.

Sec. 19-19. Retirement and replacement of taxicabs; new permits.

Whenever an Operating Permit holder permanently retires a taxicab(s) for which an Operating Permit(s) has been granted, and within thirty (30) days after such retirement makes written application to the Taxicab Inspector for permanent replacement of the taxicab vehicle or vehicles, the City Manager, or his designee, shall issue a new Operating Permit(s) for no greater number of taxicabs than those so retired, provided the period of time between permanent retirement of the taxicab(s) and the replacement of said taxicab(s) does not exceed thirty (30) days.

Sec. 19-20. Suspension and revocation of permits; ground specified; hearing provided.

- a. The City Manager, or his designee, may suspend or revoke an Operating Permit upon the occurrence of any one of the following:
 1. The Operating Permit holder fails to operate his taxicab or taxicabs in compliance with all the provisions of this Article;
 2. The Manager, or his designee, finds that the Operating Permit holder submitted, or caused to be submitted, false or misleading information on his application for an Operating Permit;
 3. The Operating Permit holder ceases to operate any taxicab, during a period of thirty (30) consecutive days, for a minimum of twenty (20) days at least eight (8) hours a day, without having obtained permission for such cessation from the Inspector;
 4. The Operating Permit holder commits any act with the intent to defraud his creditors;
 5. The City Manager, or his designee, determines that, in the interest of the public safety and welfare, a Operating Permit should be suspended or revoked.
- b. The City Manager, or his designee, may also revoke an Operating Permit due to acts of drivers, pursuant to Section 19-35.
- c. No Operating Permit may be suspended or revoked until the City Manager, or his designee, has conducted a hearing thereon. The holder of the Permit shall have the right to be present at the hearing and shall be given at least forty-eight (48) hours advance notice thereof.
- d. Operating Permits may be suspended under this section for a period not to exceed six (6) months.
- e. An Operating Permit holder who has had an Operating Permit revoked may not apply for an Operating Permit for a period of six months.

Sec. 19-21. Reserved.

Sec. 19-22. Surrender of Permit.

When an Operating Permit(s) shall have been suspended or revoked, the operation of any vehicle or vehicles authorized by such Operating Permit(s) shall cease, and their Operating Permit(s) and Medallion(s) surrendered immediately to the Inspector. When any Operating Permit holder permanently retires any vehicle or vehicles from service and does not replace them within thirty (30) days and/or does not apply for Operating Permit transfer as specified in Section 19-17 above, the Operating Permit for each such retired vehicle or vehicles shall be considered abandoned, and will be void; the Operating Permit holder shall immediately surrender each related Operating Permit and Medallion to the Inspector. Such abandoned Operating Permits may not be restored by any means other than through application as for new Operating Permits in the manner provided in this Article.

Sec. 19-23. Appeals

- a. Upon a finding by the City Manager, or his designee, that an Operating Permit should be suspended or revoked pursuant to Section 19-20, the Operating Permit holder shall be so notified and informed of the manner in which the finding may be appealed.
- b. The Operating Permit holder may appeal the suspension or revocation of an Operating Permit by filing with the City Manager, within ten (10) days after the 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.
- c. The suspension or revocation of an Operating Permit shall not become effective until ten (10) 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 Taxicab Review Board.

Sec. 19-24. Procedure upon appeal.

Upon the filing of an appeal, the Inspector shall transmit the notice of appeal to the Chairman of the Taxicab Review Board, who shall schedule a hearing as provided in Section 19-40.

Sec. 19-25. Fees.

Fees for obtaining, renewing, duplicating, transferring and reinstating Operating Permits shall be collected. Fees shall be approved by the City Manager and on file with the Inspector. Other fees as permitted by State law may be collected.

PART 3. DRIVER'S PERMIT

Sec. 19-26. Permit required.

No person shall drive a taxicab within the City without first having obtained a Taxicab Driver's Permit from the Inspector.

Sec. 19-27. Application requirements.

a. Each applicant for a Driver's Permit shall make application on forms to be provided by the Inspector. The application shall contain the following information:

1. The applicant's full name and address;
2. The applicant's physical condition, with particular reference to hearing, eyesight and use of intoxicating liquors and drugs;
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 place(s) of residence and employment for the two (2) years immediately preceding the date of application;
6. The applicant's court record.

The application shall be signed and sworn to by the applicant before a person authorized to take oaths in the state of North Carolina.

- b. Each application shall have attached thereto three (3) recent photographs of the applicant conforming to the criteria for passport photographs.
- c. The applicant's fingerprints shall be impressed on each application form, in the space provided by the Inspector, under the direction of an agent of the Inspector.
- d. It shall be unlawful for any applicant to willfully include, or willfully cause to be included, a false statement in his or her application for a Driver's Permit.

Sec. 19-28. Qualifications of applicant.

Each applicant for a Driver's Permit must meet the following requirements:

- a. Be at least eighteen (18) years of age;
- b. Possess eyesight correctable to 20/20 and not suffer from epilepsy, vertigo, heart disease or any other physical or mental condition which renders him or her unfit for safe operation of a taxicab;
- c. Be able to read, write and speak the English language;

- d. Be clean in dress and person;
- e. Be not addicted to the use of drugs or intoxicating liquors;
- f. Produce, on forms provided by the Inspector, affidavits of his or her good character from two (2) reputable persons who have known him or her personally and observed his or her conduct during the year preceeding the date of his application;
- g. Possess a valid driver's license issued to him or her by the State of North Carolina.
- h. Have permission from an Operating Permit holder to operate a taxicab under the permit assigned to that Operating Permit holder.

Sec. 19-29. Examination of applicant.

Each applicant for a taxicab Driver's Permit shall be examined by the Inspector as to his knowledge of the provisions of this article, the traffic regulations of this state and city, and the geography of the city.

Sec. 19-30. Refusal of Driver's Permit; grounds specified.

The Inspector may refuse to grant or renew a Driver's Permit for any applicant:

- a. Whose state motor vehicle operator's license is in a state of revocation or suspension; or
- b. Who has been convicted within five (5) years immediately prior to the date of application:
 1. A felony; or
 2. Any crime involving the driving of a motor vehicle resulting in an incapacitating, Class A injury as determined on the North Carolina Traffic Accident Report, or death of a person; or
 3. Operating a motor vehicle while under the influence of intoxicating liquor or any substance regulated by the North Carolina Controlled Substances Act or the North Carolina Toxic Vapors Act; or
 4. Operating a motor vehicle while the amount of alcohol in his or her blood is 0.10% or more by weight; or
 5. A violation of any city, county, state or federal law relating to use, possession or sale of alcoholic beverages or substance regulated by the North Carolina Controlled Substances Act or the North Carolina Toxic Vapors Act; or
 6. A violation of any city, county, state or federal law relating to prostitution or gambling; or

- c. Who, within a period of five (5) years immediately prior to the date of his or her application, has been an habitual violator of traffic laws, or an habitual user of intoxicating liquors or any substance regulated by the North Carolina Controlled Substances Act or the North Carolina Toxic Vapors Act; or
- d. Who does not fulfill the qualifications set forth in Section 19-28.

Sec. 19-31. Issuance of Driver's Permit; probationary period.

- a. The Inspector, upon finding that an applicant has satisfactorily complied with the provisions of this Part, shall issue to such an applicant a Driver's Permit, which shall show the applicant's photograph, name, height, weight, age, the expiration date, and the Operating Permit holder for whom the driver will be employed. The Driver's Permit must be displayed at all times in the card frame attached to the right sunvisor or dash in the driver's taxicab. No driver shall operate a cab for any Operating Permit holder other than the Operating Permit holder shown on his Driver's Permit.
- b. The Inspector, after interviewing an applicant and being satisfied that the applicant has complied with the requirements of this Part, and after checking local records and the applicant's previous employers, will issue a probationary Driver's Permit for a period not to exceed sixty (60) days, pending the receipt by the Inspector of the applicant's record, if any, from the Federal Bureau of Investigation. After the applicant has satisfactorily served his probationary period, the Inspector shall issue to said applicant a Driver's Permit to expire on applicant's date of birth and valid for a period of one year.

Sec. 19-32. Renewal of Driver's Permit.

The Inspector may renew a Driver's Permit from year-to-year by appropriate endorsement thereon. A driver applying for a renewal of his Driver's Permit shall make application on a form furnished by the Inspector.

Sec. 19-33. Revocation of Driver's Permit.

The Inspector may revoke or refuse to renew a Driver's Permit if the person to whom the Driver's Permit was issued is at any time after issuance:

- a. Convicted of any of the following:
 - 1. A violation of any federal, state or local law relating to the use, possession, manufacture or sale of intoxicating liquors or any substance regulated by the North Carolina Controlled Substances Act; or the North Carolina Toxic Vapors Act; or
 - 2. A violation of any federal, state or local law relating to prostitution or gambling; or

3. An accumulation, under N.C.G.S. 20-16, within a three-year period, of 12 or more points, or 8 or more points within the three-year period following the reinstatement of a state driver's license which has been suspended or revoked; or has been convicted of any other moving violation of traffic laws, for which the State driver's license is suspended or revoked.
 4. Any felony; or
 5. Any violation of a federal, state or local law designed for the protection of life; or
 6. Any assault involving the operation of a taxicab.
- b. Found by the Inspector to be an habitual user of intoxicating liquors or any substance regulated by the North Carolina Controlled Substances Act or the North Carolina Toxic Vapors Act; or
 - c. Found by the Inspector to have made or caused to be made a false statement in his or her application for issuance or renewal of a Driver's Permit; or
 - d. Does not continue to meet the qualifications for a Driver's Permit set forth in Section 19-28; or
 - e. Found by the Inspector to have three suspensions, as provided in Section 19-34.

Sec. 19-34. Authority to suspend Driver's Permit; third suspension, revocation mandatory.

The Inspector shall have the authority to suspend any Driver's Permit issued under this Part for any of the grounds specified in Section 19-33, for violation of any section of this Article, or if the holder of the Driver's Permit is found by the Inspector to have violated any federal, state, or local laws pertaining to the public welfare or morals. Such suspension shall be for a period of thirty (30) days, unless reduced by the Inspector. Any reduction in length of suspension must be documented by the Inspector. 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 (6) months of the date of revocation.

Sec. 19-35. Operating Permit Holder Responsible For Acts of Drivers / Revocation of Permit.

- a. Upon a determination by the Inspector that:
 1. A driver has been convicted of any of the offenses specified in Section 19-33 and that such offense occurred while the driver was engaged in the operation of a taxicab, or

2. A driver has violated any provision of this Article pertaining to the operation of taxicabs, or
3. A driver has violated any federal, state or local law pertaining to the public health or morals and such offense occurred while the driver was engaged in the operation of a taxicab,

The Inspector shall give notice of such determination to the driver and to the Operating Permit holder under which the driver was operating.

- b. Upon the occurrence of three determinations under subsection (a) against a driver in any twenty-four (24) month period, the driver and the Operating Permit holder under which the driver was operating shall be notified that one additional determination against the driver within twelve (12) months after the date of the notice may result in suspension or revocation of the Operating Permit.
- c. Upon one additional determination by the Inspector against a driver within twelve (12) months after the date of the notice provided for in subsection (b), the City Manager or his designee, may suspend or revoke the Operating Permit under which the driver was operating, pursuant to the procedure provided in Section 19-20(c).

Sec. 19-35.1 Appeal of Inspector's Decisions.

- a. A decision by the Inspector not to grant or renew, or to suspend or revoke a Driver's Permit, and a determination by the Inspector under Section 19-35, shall be subject to appeal to the Taxicab Review Board.
- b. Any person aggrieved by a decision of the Inspector to which there is a right of appeal may appeal by giving written notice of appeal to the Inspector. The notice of appeal shall set forth the reasons why the Inspector's decision is improper and shall be filed with the Inspector within ten (10) days of the decision being appealed. Appeals may be taken only from the Inspector's findings of fact and application of law. The penalty assessed by the Inspector shall not be subject to appeal.
- c. Upon the filing of an appeal, the Inspector shall transmit the notice of appeal to the Chairman of the Taxicab Review Board, which shall schedule a hearing as provided in Section 19-40.
- d. A decision by the Inspector to suspend or revoke a Driver's Permit shall not become final until ten (10) days after the decision is rendered. If an appeal is within that period and except when the Inspector decides not to renew a Driver's Permit, the Inspector's decision shall be stayed pending the final decision of the Taxicab Review Board. The Inspector, upon taking any action from which there is a right to appeal, shall give the driver, applicant or Operating Permit holder, as appropriate, notice of the right to appeal.

Sec. 19-36. Conduct.

- a. Deception of passengers. No driver shall deceive or attempt to deceive any passenger who may ride or desire to ride in his taxicab as to his destination or the rate of fare to be charged, or convey or cause to be conveyed any passenger to any place other than as directed by the passenger, and in no event shall any driver providing taxi service take a longer route to the requested destination than is necessary, unless he is so requested by the passenger or passengers, except for shared ride service provided for in Section 19-36(f).
- b. Drivers shall comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken.
- c. No driver shall have in his possession a lighted cigarette, cigar, or pipe while any passenger is being carried in his taxicab.
- d. No driver shall at any time solicit passengers by any word, sign or gesture, or for the purpose of soliciting patronage, in any manner annoy any person or obstruct the movement of any person or traffic or follow any person, except within a taxicab stand, as designated in Section 19-37 (c), a driver located inside his vehicle or outside, but within ten (10) feet of said taxicab, may solicit passengers using one of two phrases: "Taxi, Sir" or "Taxi, Ma'am". Except in a manner provided by this subsection, drivers may not solicit. Nothing in this subsection shall prohibit drivers from alighting to the street or sidewalk for the purpose of assisting passengers into or out of taxicabs.
- e. No driver shall allow the seating capacity of his taxicab to be exceeded, with the exception that rear seat passengers may hold children in their arms.
- f. 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 above the time normally required for the exclusive-ride trip as estimated in advance by the driver. Taxi drivers shall specify, as provided in section 19-55, any fare discounts to passengers participating in a ride-sharing. If a child under sixteen (16) years of age and unaccompanied by a person sixteen (16) years of age or older is the original passenger, no other passengers shall be permitted in the taxicab.
- g. No driver shall refuse or neglect to convey any orderly person upon request unless previously engaged or unable or forbidden by provisions of this Article to do so, or has the "off-duty" placard showing prior to the request for service by a prospective passenger.

Sec. 19-37. Taxicab stands, procedure.

- a. The Inspector and the City's Director of Transportation, or his designee, 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 case of emergency, or to assist passengers.
- c. A list of all taxicab stands in the City of Charlotte shall be kept on file in the office of the Inspector and shall be open to inspection by the public.

PART 4. TAXICAB REVIEW BOARD

Sec. 19-38. Taxicab Review Board-created.

There is hereby established a Taxicab Review Board, to be composed of five (5) members; two (2) appointed by the City Council, one (1) appointed by the Mayor, and two (2) appointed by the City Manager. Of the City Council's appointments, one shall be an Operating Permit holder, or his designee. The Mayor's appointee shall be an Individual Owner-Driver. All members shall serve without compensation. Terms of office shall be for three (3) years. The City Manager shall designate one of the members as chairman. When a vacancy occurs, the original appointing body shall appoint a person to serve for the unexpired term of the vacant position. Three members shall constitute a quorum in order to hold business or hearings. Any member who fails to attend at least seventy-five (75) per cent of the regular and special meetings held by the Board during any one year period shall be automatically removed from said Board. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as herein provided.

Sec. 19-39. Duties and responsibilities.

- a. The Taxicab Review Board shall hear the following:
 - 1. Appeals from suspensions or revocations of Operating Permits under Section 19-20;
 - 2. Appeals from decisions of the Inspector not to grant or renew Driver's Permits under Section 19-30;
 - 3. Appeals from decisions of the Inspector to revoke Driver's Permits under Section 19-33;
 - 4. Appeals from decisions of the Inspector to suspend Driver's Permits under Section 19-34; and
 - 5. Appeals from determinations of the Inspector under Section 19-35; and
 - 6. Appeals from prohibitions by the Airport Manager or Inspector under Section 19-75 and 77.
- b. The Taxicab Review Board shall promulgate rules and regulations to effect its exercise of authority under this Part, and shall keep said rules and regulations on file with the City Clerk.
- c. The Taxicab Review Board may have any other responsibilities as assigned by the City Manager or City Council.

Sec. 19-40. Hearings.

- a. The Inspector shall, within twenty-four (24) hours of its receipt, forward any appeal provided in Section 19-39 to the Chairman of the Taxicab Review Board. Appeals shall be on a form and in a manner

designated by the Taxicab Review Board. The Chairman may review the appeal to determine if the required information is submitted or if the appeal is from the Inspector's findings of fact or application of law. If information submitted is insufficient, the Chairman may return the appeal to the appellant for additional information, without regard to subsection (b) of this section. If the appeal cannot be determined to be made from the findings of fact or application of law, the Chairman may elect to dismiss the appeal, without prejudice to resubmittal at a later time with findings of fact or application of law.

- b. If a hearing is determined to be warranted, the Chairman of the Taxicab Review Board shall fix a reasonable time for the hearing of an appeal and shall give advance notice to all parties of the time and place for a hearing. The Taxicab Review Board shall render a decision on an appeal within ten (10) 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 or her choice. The hearing shall be recorded and the Taxicab Review Board's decision shall be in writing with copies provided to all parties.
- d. Hearings before the Taxicab Review Board shall be de novo. Final decisions of the Taxicab Review Board shall be subject to judicial review by proceedings in the nature of certiorari instituted in the Superior Court of Mecklenburg County within thirty (30) days after the Taxicab Review Board renders its decision. Final decisions of the Taxicab Review Board shall not be stayed during the time allowed for the initiation of judicial review, nor shall the initiation of judicial review automatically stay the Taxicab Review Board's decisions.
- e. A decision by the Taxicab Review Board not to renew a Driver's Permit or to suspend or revoke an Operating Permit or Driver's Permit shall become effective immediately upon the receipt of the Board's decision by the holder of the Operating Permit or Driver's Permit, who shall immediately, upon receipt of the Board's decision, surrender his or her Operating Permit and Medallion, or Driver's Permit to the Inspector. The period of suspension shall begin upon receipt of the surrendered Operating or Driver's Permit by the Inspector. It shall be unlawful for an Operating Permit holder or driver to fail or refuse to surrender his or her Operating Permit and Medallion, or Driver's Permit as required by this Subsection. It shall be unlawful for an Operating Permit holder to operate or permit operation of a taxicab under an Operating Permit that is in a state of suspension or revocation, and it shall be unlawful for a driver to operate a taxicab while his or her Driver's Permit is in a state of suspension or revocation.

PART 5. OPERATION

Sec. 19-41. Registration and all proper Permits necessary.

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

Sec. 19-42. Compliance with state law, ordinances, etc.

- a. Every taxicab shall be operated in accordance with the laws of this state and the ordinances of this city and with due regard for the safety, comfort and convenience of passengers and for the safe and careful transportation of property and for the safety of the general public.
- b. No taxicab shall be operated at a rate of speed inconsistent with existing traffic regulations, road conditions, and the hazard at intersections and any other conditions then existing, nor in such manner or condition to endanger or to be likely to endanger the safety of passengers, pedestrians, vehicles or the person and property of others.

Sec. 19-43. Financial responsibility.

- a. No person shall operate or cause to be operated any taxicab over the streets of the city without first furnishing proof of financial responsibility as required by North Carolina General Statute 20-280, or any superseding statute. If the taxicab is owned by a person who operates under the Operating Permit of another owner, such other owner shall be named as an additional insured in the policy covering the taxicab.
- b. Any Operating Permit holder or person owning or causing any taxicab to be operated shall upon the receipt of any notice of cancellation of the insurance required by this section, immediately notify the Inspector and the holder of the Operating Permit, if applicable, of said cancellation. Failure to notify the Inspector of a cancellation of insurance on a taxicab shall result in the immediate revocation of the Operating Permit of taxicab for a period of thirty (30) days.

Sec. 19-44. Policies of insurance to be filed with Inspector.

The Operating Permit holder shall file with the Inspector a copy of the vehicle insurance policy insuring the liability of the vehicle, as a condition precedent to the operation of any such taxicab on the streets of the city. The policy filed, shall, among other things, set forth a description of each and every taxicab operating under the terms of said policy or policies.

Sec. 19-45. Operation Standards.

Subsequent to the receipt of an Operating Permit to operate a taxicab or taxicabs, an Operating Permit holder shall continue to meet the requirements of Section 19-11(a)(7) and 19-13 as a condition to retaining such license.

Sec. 19-46. Reserved.Sec. 19-47. Insurance, liable regardless of operator.

- a. Any policy of insurance submitted under this Part shall be conditioned upon the payment of any final judgment recovered by any person as a result of the negligent operation of any vehicle or taxicab permitted to operate hereunder, no matter by whom operated or driven at the time of the injury or damage.

- b. Such insurance shall contain a provision for the continuing liability thereunder to the full amount thereof not withstanding any recovery thereon.

Sec. 19-48. Terms between owner and driver regulated.

- a. Any taxicab may be operated by the Operating Permit holder thereof, or by a duly authorized agent and employee of the Operating Permit holder.
- b. An Operating Permit 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 Operating Permit holder a fixed or determinable sum per day for the use of such taxicab 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 Operating Permit holder provides and maintains such insurance on any leased taxicab or cabs as required by the City and the State of North Carolina.
- c. Nothing herein contained shall prevent an Operating Permit holder from paying a fixed fee or other compensation to another Operating Permit holder for furnishing insurance, required by this Article, for use of terminal facilities or for the privilege of operating under the name of such other Operating Permit holder.

Sec. 19-49. Duty of Operating Permit holder to keep records and file reports.

- a. Every Operating Permit holder shall maintain on file with the Inspector his name, business address, garage address, all business telephone numbers listed in his name, and the names of all drivers, their license numbers and addresses, and shall, within forty-eight (48) hours after any change in connection therewith report such change or changes to the Inspector.
- b. In case more than one Operating Permit holder operates under the same name, the Operating Permit holder of the name may keep the records and make the reports required by this Article in behalf of all Operating Permit holders operating under his name; but his failure to do so shall not relieve the other Operating Permit holder operating under the name of responsibility for said records and reports with respect to the taxicab(s) owned by them, it being the intent of this Article to impose said responsibilities upon each Operating Permit holder.

Sec. 19-50. Driver's daily manifest to be kept; right of inspection by police and City Manager.

- a. Every driver shall maintain a daily manifest upon which shall be recorded all trips made each day, the time, place of origin and destination of each trip; the number of passengers and amount of fare for each trip; manifests shall be in a form approved by the Inspector and shall be furnished to the driver by the Operating Permit holder.
- b. Every Operating Permit holder shall retain and preserve, filed by Operating Permit number, all driver's manifests in a safe place for at least ninety (90) days and the same shall be made available upon demand for inspection by the Inspector, the city police or the City Manager.

Sec. 19-51. Uniforms Required.

Each driver shall wear a uniform, registered with the Inspector, consisting as a minimum of a standardized shirt on which the name of the Operating Permit holder is inscribed. In the event that more than one Operating Permit holder operates under the same name, all drivers operating under that name must wear the same uniform with that name inscribed.

Sec. 19-52. Accidents to be reported.

All accidents from or in connection with the operation of taxicabs which result in death or Class A personal injury, shall be reported within seventy-two (72) hours from the time of occurrence to the Inspector, in duplicate on a form of report to be furnished by the Inspector.

Sec. 19-53. Reserved.

ALL TAXICAB DRIVERS SHALL BE REQUIRED TO WEAR A UNIFORM REGISTERED WITH THE INSPECTOR. THE UNIFORM SHALL BE A STANDARDIZED SHIRT ON WHICH THE NAME OF THE OPERATING PERMIT HOLDER IS INSCRIBED. IN THE EVENT THAT MORE THAN ONE OPERATING PERMIT HOLDER OPERATES UNDER THE SAME NAME, ALL DRIVERS OPERATING UNDER THAT NAME MUST WEAR THE SAME UNIFORM WITH THAT NAME INSCRIBED.

PART 6. TYPES OF SERVICE, RATES AND CHARGES

Sec. 19-54. Types of Service.

A taxicab is authorized to provide the following types of service:

1. Exclusive ride, involving the transport of a party from a single origin to a single destination;
2. Group ride, involving the transport of several passengers from a single origin to a single destination for a reduced fare;
3. Shared ride, involving the transport of several passengers from one or more origins to one or more destinations for a reduced fare; as described in Section 19-36(f);
4. Special Service - An unusual and unique service essentially different from typical taxicab services as described in Subsections (1) - (3) of this Section, for which a Special Services Permit, obtained from the City Manager, or his designee, is required. Services included under this Subsection, are, but not limited to, fixed route service, paratransit service, geographically or time-of-day/limited service, or any other innovative services. Such Special Services Permit shall be issued under the following conditions:
 - a. Unless specifically exempted in the Special Service Permit, each service operating pursuant to a Special Service Permit shall be subject to each and every provision of this Article.
 - b. Application for a Special Service Permit shall be addressed in writing to the City Manager and shall describe the proposed service in detail and reasons that a regular Operating Permit is inadequate.
 - c. Approval and subsequent operating of a special service shall be contingent upon any conditions pursuant to this Article placed in the Special Service Permit by the City Manager, or his designee. Failure to carry out the conditions of the Special Service Permit shall be grounds for revocation of Special Services Permit.
 - d. Fees for the application of a Special Services Permit shall be the same, if any, for an Operating Permit.
 - e. A Special Services Permit holder must also obtain an Operating Permit for the service to be provided.

Sec. 19-55. Rates and Charges.

- A. Rates to be Filed. Each applicant for an Operating Permit under the provisions of this chapter shall file all rates and charges with the Taxicab Inspector at the time of application or renewal. Rates shall be uniform for all taxicab vehicles of the same color combination with any taxi company.

B. Schedule of Taxicab Rates. No restriction is imposed on the actual amounts charged by any driver hereunder, provided the maximum charges assessed shall be determined as follows:

1. vehicle waiting time, to be computed on an hourly basis beginning four (4) minutes after the taxicab arrives at the requested origin and ending when the passenger enters the taxicab for the start of a trip, but shall not include any time required to discharge a passenger and baggage at final destination. Waiting time shall also include all times between the start of the trip and the discharge of a passenger when the taxicab is motionless due to the specific request of a passenger to stop for any reason;
2. initial drop charge on all trips including the first 1/10 mile of travel or fraction thereof, or such equivalent, not exceeding an equivalent of 1/4 mile;
3. additional distance charges based on uniform, 1/10 mile increments, or such equivalent not exceeding an increment of 1/4 mile;
4. a charge, if any, for each additional passenger; not including children under 12 years of age, nor including other passengers previously included under group or shared ride rates;
5. additional baggage charges on a per-piece basis provided, no charges shall be assessed for any baggage which is carried by each passenger in his or her hands or arms;
6. a separate schedule of rates may be charged for taxicab service during the hours of midnight to 6 a.m.;
7. a fixed rate only will be charged for taxicab service from the Municipal Airport to the Central Area of the City of Charlotte as defined by the Charlotte Department of Transportation, and shown on a map on file with the Inspector. This rate may not exceed the regular metered fare to the intersection of Trade and Tryon Streets, if a meter fare charge had been used for the most direct route to that destination.
8. nothing in the schedule of rates shall be construed to require a taxicab driver to collect fares for waiting time, and additional passengers or luggage, if the Operating Permit holder should so desire. The metered fare should be considered to be a maximum charge, and nothing shall be construed to prohibit the driver from charging less than the metered fare, if the Operating Permit holder should so desire.

C. Changing Rates. Rates may be changed by filing a new rate schedule with the Taxicab Inspector at least fifteen (15) days before the effective date; provided, that no change requiring a taximeter adjustment shall become effective for a taxicab until such taximeter adjustment has been inspected and approved by the Taxicab Inspector, the new rates have been posted as provided in Section 19-57, and all advertising of the previous rates has been withdrawn.

- D. **Contract Rates.** Rates may be charged pursuant to a written contract which may establish a fare for specific transportation at a different rate than the filed rate.
- E. **Fare Review.** The Inspector after consultation with the Chairman of the Taxicab Review Board, may defer the effective date of implementation of any rate change for a period of up to forty-five (45) days to allow consultation with the Manager, to determine if any council action might be desirable.

Sec. 19-56. Disputes.

All disputes as to fares shall be arbitrated by the Inspector within twenty-four (24) hours and both passenger and driver shall comply with such determination. Appeal of the decision of the Inspector is made to the Taxicab Review Board, as provided by Part 4 of this Article.

Sec. 19-57. Posting Rates.

Each taxicab shall have conspicuously displayed within the interior in the card frame as provided by Section 19-62 (b), and upon the exterior of the vehicle, the rates of fare according to the rate assessment requirements of this chapter. The rates of fare posted in the passenger compartment shall be in a typewritten notice, impressed upon a contrasting background, in at least 18 point type.

Sec. 19-58. No extra charge for hand baggage, reasonable charge for trunks.

No extra charge shall be made for the transportation of ordinary hand baggage carried by a passenger. Trunks and other bulky packages not ordinarily construed to be hand baggage may be charged for at the rates as filed with the Inspector, as provided in Section 19-55 and printed on the rate card, if accompanying a passenger or passengers. 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 such excess baggage as filed with the Inspector, as provided in Section 19-55.

Sec. 19-59. Passenger to pay lawful fares; receipt furnished upon request.

- a. It shall be unlawful for any person owning, operating, or controlling a taxicab in the city to charge any rate for the use of the taxicab exceeding the rates as filed with the Inspector, as provided in Section 19-55 of this chapter, and no person shall ride in any taxicab and willfully refuse to pay the fare prescribed therefor by law. Provided this section is not intended to prohibit a taxicab passenger from granting a gratuity to the taxicab driver.
- b. When requested by a passenger, the driver in charge of a taxicab shall deliver to the passenger a legible receipt showing the taxicab Operating Permit number, 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 to a charge of violating subsection (a) of this section.

PART 7. SPECIFICATION AND EQUIPMENT

Sec. 19-60. All taxicabs must conform to the provisions of this article.

No vehicle shall be granted an Operating Permit unless it conforms with all the provisions of this article.

Sec. 19-61. General construction requirements.

- a. All taxicabs shall be vans or passenger vehicles. Passenger vehicles shall have a minimum of four doors, two leading into the driver's compartment, and the remaining two or more doors leading into the passenger's compartment and so constructed that they may be opened from the inside and the outside. Each door shall be constructed with a double or safety lock.
- b. All upholstery covering or interior lining in any taxicab shall be of non-absorbent and washable material.
- c. Floor mats of rubber or other non-absorbent material shall be provided and shall at all times be removable. No taxicab shall have on the floor thereof any foot-rest bracket or other fixture extending above the top of the floor mat.
- d. Seat belts for each passenger, to the extent required as original equipment by the federal government.

Sec. 19-62. Equipment required.

All taxicabs shall be equipped in accordance with state and federal regulations governing the equipment required for the operation of motor vehicles. In addition, the following equipment is required:

- a. Speedometer. Every taxicab shall be equipped with a standard speedometer properly installed, maintained in good working order and exposed to view. No taxicab shall be operated in taxicab service while such speedometer is out of repair or disconnected.
- b. Card frame. Every taxicab shall be equipped with a card frame for the proper display of the Operating Permit holder's Operating Permit, rate card, and taxicab Driver's Permit. The card frame shall be attached to the right sunvisor or dash of cab and shall face the passenger and be so located as to be, at all times, in plain view of such passenger.
- c. Taximeter. See Section 19-67.

Sec. 19-63. General maintenance requirements.

- a. All taxicab vehicle bodies shall conform to the general specifications of the manufacturer.

- b. All exterior paintwork shall be maintained in good condition, free of substantial scratches, chips and abrasions.
- c. The springs, or other material used to support the seating areas of the driver and passengers in the taxicab shall be maintained to assure an elastic coefficient of at least 90% of the manufacturers specifications.
- d. All suspension components affecting the ride and safety of the vehicle shall be maintained such that they comply with the manufacturers specifications.
- e. All windshield and window glass shall be maintained free from cracks, scratches, pitting, abrasions, or any other conditions that reduces clarity of vision below the level specified by the manufacturer.
- f. All taxicab vehicles must be inspected at an authorized State Vehicle Inspection Station every 12 months.

Sec. 19-64. Color schemes for taxicabs.

- a. Every taxicab company of name shall adopt a color scheme, distinct from that of any other taxicab company of name, for the painting of its taxicabs, and all taxicabs of a company using the same rates of fare schedule shall be of the same color scheme. An Operating Permit holder who operates from the terminal and under the name of another Operating Permit holder shall use the same color scheme as such other Operating Permit holder.
- b. The name of the taxicab company, the taxicab number, which shall correspond with the number of the Operating Permit, and the telephone number(s) shall be affixed with permanent paint or decals on both sides and the rear of each taxicab, with letters at least four (4) inches high on the side and at least six (6) inches high on the rear.
- 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 street lights. Lettering or numbering shall not be acceptable where it has been painted upon a sheet of metal or other material which can be removed or detached from the taxicab.

Sec. 19-65. Placards.

The only placard permitted shall be the "vacant" and "off-duty" placards, which shall be placed only on the dashboard. The placard is to be made of Gravoply, three (3) inches by ten (10) inches, with two (2) inch high letters, black on white background. The "vacant" inscription shall be placed on one side, and "off-duty" on the reverse, if both placards are used. The "vacant" placard is to be used only when the taxicab driver has no passenger, but desires such; the "off-duty" placard is to be used only when the driver has no passenger, but desires no passenger.

Sec. 19-66. Radios prohibited; exception.

No driver shall operate an AM and/or FM radio in any taxicab while the same is being used to transport passengers for hire in the city; provided, however, that this section shall not prohibit the use in any taxicab operating under the provisions of this Article, of a radio device for the purpose of receiving instructions, from the office or headquarters of the person or company owning the taxicab for the carrying of passengers.

Sec. 19-67. Taximeter required; definition; specifications.

- a. Every taxicab, shall be equipped with a taximeter of a size and design approved by the Inspector and which conforms substantially to the following specifications:
 1. A taximeter is a mechanical or electronic instrument or device by which the charge for hire of a taxicab is calculated either for distance traveled or for waiting time, or for both, and upon which such charges shall be indicated by means of legible figures which are electrically lighted each time the taximeter flag is thrown from the non-earning position to the earning position.
 2. Taximeters must register upon visual counters the following items:
 - A. Amount of Fare
 - B. Number of trips
 3. Each taximeter must be furnished with a tamper-proof switch and system of electrical distribution so that when the taximeter flag is in the vacant or nonearning position, the vacant sign on the top of the taxicab will be lighted and when the meter flag is thrown to the earning position, the fare indicator on the taximeter will be lighted, and at the same time, a tell-tale light, located elsewhere on the taxicab, will be lighted.
 4. Each taximeter must be driven either directly from the taxicab transmission or the speedometer driving shaft to the taximeter head itself, using a flexible shaft and a flexible housing so connected and sealed as to be nontamperable.
 5. No person shall use or permit to be used upon any taxicab a taximeter which is in such a condition as to operate such that the meter charges higher than five (5) per cent or less than ten (10) per cent of the correct fare.
- b. No person shall use or permit a taxicab to be used for the provision of taxi service while the taximeter installed in such taxicab is unsealed or its gear is not intact.

- c. Any time a taxicab is occupied by a person other than the driver, the flag must be in a down position and the meter in an "on" and operating mode, regardless of the actual fare charged, or whether the passenger carried is a contract passenger as provided under Section 19-55(d). It shall be the duty of the driver to call to the attention of passengers the amount registered on the taximeter. In the event that the meter is electronic and does not have a flag, the meter must be "on" and operating, regardless.
- d. No person shall operate or cause to be operated a taxicab unless the taxicab is equipped with a taximeter that has been duly inspected and approved by the Inspector. It shall be unlawful to reduce the size of the wheels or tires of a taxicab, or to change the gears operating a taximeter.
- e. The taximeter shall be mounted in such a fashion that it does not present a sight restriction.
- f. The taximeter 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 taximeter is not mounted such that this requirement is fulfilled, then the right front seat cannot be occupied by a passenger.

Sec. 19-68. Reserved.

PART 8. INSPECTION AND MAINTENANCE OF EQUIPMENT

Sec. 19-69. Inspection; right of entry; withdrawal of vehicle when not in good condition; right of reinspection.

- a. Before an Operating Permit is issued or renewed for any Operating Permit holder, the taxicab or taxicabs for which such Operating Permit(s) are requested shall be delivered to a place designated by the Inspector, who shall ascertain whether such taxicab or taxicabs comply with the provisions of this Article.
- b. The Inspector or his agents shall have the right, at any time, after displaying proper identification, to enter into or upon any licensed taxicab for the purpose of ascertaining whether or not any of the provisions of this Article are being violated.
- c. Any taxicab which is found, after any such inspection, to be unsafe for taxicab service may be immediately ordered out of service by the Inspector, and before again being placed in service shall be delivered to the Inspector at a designated point for reinspection.

Sec. 19-70. Reserved.

Sec. 19-71. Taxicab found unsafe by Operating permit holder; to cease operation until repair(s) are made.

Any taxicab found by the Operating Permit holder to be unsafe for taxicab operation shall have such repairs and alterations made as may be required and the Operating Permit holder shall not operate, or cause or permit to be

operated, any such taxicab until all such repairs and alterations have been completed.

Sec. 19-72. Duty of owner to clean taxicab.

Every Operating Permit holder shall ensure that the interior and exterior of each of his/her taxicabs is maintained at all times in a reasonably clean condition.

Secs. 19-73. Reserved.

PART 9. AIRPORT SERVICE.

Sec. 19-74. Unauthorized Operation.

- a. No person shall operate a taxicab at Douglas Municipal Airport for the purpose of picking up or attracting passengers from the airport terminal except as provided in this Article.
- b. No person shall engage in cruising upon airport grounds, or shall solicit, except as provided in Section 19-36(d).
- c. A fee of seventy-five cents (\$0.75) shall be paid by the driver of each taxicab prior to exiting the holding area. Upon payment of said fee, a receipt will be issued by the exit control system. The payment receipt will be collected by an airport taxicab control person prior to the boarding of any passenger in the loading areas designated for such purpose by the Airport Manager.

In the event that the exit control gate system is not functioning properly, the airport taxicab control person will collect the fee and issue a numbered receipt when a taxicab is summoned from the holding area.

Sec. 19-75. Operating of Taxicabs.

- a. Prior to boarding any passengers, taxicabs shall first enter the holding area designated by the Airport Manager for those vehicles. Boarding of passengers shall be conducted only in the areas designated for such purpose by the Airport Manager.
- b. No taxicab shall be moved from the holding area to the taxicab boarding areas until at least one of the taxicab boarding areas is clear of traffic. The taxicab shall move from the holding area to the taxicab boarding areas only in the order in which the taxicab arrived in the holding area.
- c. The Airport Manager or the Inspector shall have authority to prohibit the Operating Permit holder of any taxicab from transporting passengers from the airport terminal if he finds after notice and a hearing that the Operating Permit holder or driver has violated any provision of this part or any rule or regulation adopted hereunder. Written notice of the alleged violations and the place, date and time of the hearing shall be given at least forty-eight (48) hours before the hearing.

Any Operating Permit holder prohibited from transporting passengers as provided herein shall not transport or cause to be transported any passengers from the airport terminal in any taxicab or taxicabs for a period of six (6) months from the date of the Airport Manager's decision. Nothing herein shall prohibit any person from transporting passengers to the airport or from the airport if the prohibited taxicab were specifically called and requested by a passenger.

- d. Any driver or Operating Permit holder prohibited under Sections 19-75 or 19-77 of this part shall have a right of appeal as provided by Section 19-39.

Sec. 19-76. Unloading of vehicles.

Taxicabs may unload passengers at the front of the airport terminal upon arrival at the airport without the necessity of passing through the holding area. Unloading shall not be done in the boarding areas. Unloading shall be done expeditiously and in such a manner as to avoid impeding or blocking other vehicular traffic. Upon completion, the vehicle shall be driven away from the front of the terminal building immediately. No passenger may be boarded until and unless the vehicle has passed through the holding areas.

Sec. 19-77. Drivers.

- a. The Airport Manager or Inspector shall have authority to prohibit any driver from transporting passengers from the airport terminal if he finds after notice and a hearing that the person has violated any provision of Chapter 19 or any rule or regulation adopted hereunder, while said driver is operating at the Municipal Airport. Written notice of the alleged violations and the place, date and time of the hearing shall be given at least forty-eight (48) hours before the hearing.
- b. Any driver prohibited from operating a taxicab as provided in Subsection (a) shall not transport any passengers in a taxicab from the airport terminal for a period not to exceed six (6) months from the date of the Airport Manager's or Inspector's decision. Nothing herein shall prohibit any person from transporting passengers to the airport.

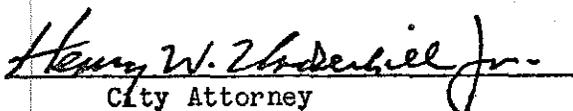
Sec. 19-78. Reserved.

Sec. 19-79. Regulations.

The Airport Manager shall have the authority to adopt reasonable rules and regulations for the safe, courteous and orderly operation of taxicabs at Douglas Municipal Airport.

Section 2. This ordinance shall take effect January 1, 1982.

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of October, 1981, the reference having been made in Minute Book 77 and is recorded in full in Ordinance Book 31 at Pages 62-91.

Ruth Armstrong
City Clerk

ORDINANCE NO. 1069 AMENDING CHAPTER 4 ARTICLE V AN ORDINANCE REGULATING LIMOUSINES AT MUNICIPAL AIRPORT

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina that:

Section 1: Article V of Chapter 4 of the Code of the City of Charlotte is rewritten as follows:

ARTICLE V. LIMOUSINES AT MUNICIPAL AIRPORT

Sec. 4-46. Definitions.

The following words and phrases, when used in this Article, shall for the purpose of this Article, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

- a. Activity Center. Any hotel, motel, shopping center, business or commercial building, factory, stadium, coliseum, theater, or other building where large numbers of persons may gather.
- b. Cruising. The movement of a vehicle for hire over public streets or public vehicular areas in search of passengers or for the purpose of attracting passengers.
- c. Driver. Any person who drives a limousine.
- d. Limousine. For-hire passenger vehicles on call or demand which do not accept passengers indiscriminately between points and along highways, and shall include specifically state-licensed luxurious chauffeur-driven automobiles, or vehicles officially designated by the Airport Manager to provide transportation to or from the airport. All other driver-operated vehicles for hire shall be defined as Taxicabs, and shall be subject to the provisions of Chapter 19 of this code.
- e. Owner. Any individual, partnership, association, corporation in whose name title to a limousine is registered.
- f. Person. Any individual, partnership, association, corporation or other organization owning, operating or proposing to operate a limousine on the grounds of Douglas Municipal Airport.
- g. Permit. A license issued by the Airport Manager authorizing a limousine service to operate upon the grounds of Douglas Municipal Airport for the purpose of attracting or picking up passengers from the airport terminal. (Ord. No. 311, 3-31-80)

Sec. 4-47. Unauthorized operation, soliciting on airport grounds prohibited.

No person shall:

1. Operate any limousine upon the grounds of Douglas Municipal Airport for the purpose of picking up or attracting passengers from the airport

terminal except as provided in this Article;

2. Solicit any passenger for a limousine or engage in cruising.

Sec. 4-48. Permits.

- a. Required; application; fee. A permit shall be required for each limousine service engaged in the transportation of passengers from the airport terminal building. Application for the permit shall be made by the owner of a vehicle or vehicles upon a form prepared and made available by the Airport Manager. The permit will be issued to the owner of the vehicle or vehicles upon payment to the city of three thousand dollars (\$3,000.00) per year for a limousine service. A permit will not be issued to any person who, within six (6) prior to the date of application, has had a permit revoked as provided in subsection (e).
- b. Airport vehicle stickers. An airport vehicle sticker shall be issued for each vehicle operating under a permit. The sticker shall be posted in the interior of the vehicle on the right sun visor so as to be visible through the windshield at all times when the vehicle is operating on the airport grounds.
- c. No permit may be assigned or transferred. Change of ownership of or title to any limousine shall automatically revoke the right of operation for the vehicle under any permit previously granted. The purchaser of any such limousine may not operate under the previously issued permit, but must apply for and be granted a new permit. For the purposes of this section, a change of ownership is deemed to have taken place, in addition to other methods, if the owner of any limousine leases the same to any person under any lease or arrangement whereby the person shall have the right to acquire title to the vehicle at any future date upon payment of an amount of money or other consideration.
- d. Replacement certificates. Whenever an owner removes or permanently retires from service a limousine for which a permit has been granted, and within ninety (90) days after such removal or retirement, replaces it with another limousine or courtesy car, the Airport Manager shall, upon the written application of the owner, issue a new permit for the operation of the limousine.
- e. Permit revocation. The Airport Manager may revoke any permit issued to an owner after notice and a hearing if he finds that the owner or any driver of a permitted vehicle has violated any provision of this article or any rule or regulation adopted hereunder. A minimum of forty-eight (48) hours' written notice of the alleged violations and date, time and place of the hearing shall be given to the owner.
- f. Termination of service pending new permit issuance. Once a permit has been revoked, the owner shall not transport or cause to be transported any passengers from the airport terminal in any limousine until and unless a new permit has been issued. (Ord. No. 311, 3-31-80)

Sec. 4-49. Operation of limousines.

- a. Prior to boarding any passenger, limousines shall enter the holding area designated by the Airport Manager for those vehicles. Boarding of passengers shall be conducted only in the areas designated by the Airport Manager for such purpose.
- b. No limousine shall be moved from the holding area to the limousine boarding area until the boarding area is clear of other traffic. A limousine shall move to the boarding area in the order in which it arrived in the holding area. (Ord. No. 311, 3-31-81)
- c. Limousines operating from the municipal airport shall pick up passengers at the airport and take the passengers to their final destination, without arranging or offering to arrange any other transportation services, including the transfer of a passenger from the limousine to a taxicab. In the event that a limousine cannot take a passenger to a final destination requested, the limousine driver must refuse to transport the passenger; and may not arrange or offer to arrange any other transportation service, including call of a taxicab.

Sec. 4-50. Reserved.

Sec. 4-51. Unloading of Vehicles.

Limousines may unload passengers at the front of the airport terminal upon arrival at the airport without the necessity of passing through the holding area. Unloading shall not be done in the boarding areas. Unloading shall be done expeditiously and in such a manner as to avoid impeding or blocking other vehicular traffic. Upon completion, the vehicle shall be driven away from the front of the terminal building immediately. No passenger may be boarded until and unless the vehicle has passed through the holding areas. (Ord. No. 311, 3-31-80)

Sec. 4-52. Drivers.

- a. Drivers of limousines shall obey all applicable provisions of this Article and all rules and regulations promulgated hereunder as well as provisions of Chapter 19.
- b. The Airport Manager shall have authority to prohibit any driver from transporting passengers from the airport terminal if he finds after notice and a hearing that the person has violated any provision of this Article or any rule or regulation adopted hereunder. Written notice of the alleged violations and the place, date and time of the hearing shall be given at least forty-eight (48) hours before the hearing.
- c. Any driver prohibited from operating a limousine as provided in subsection (b) shall not transport any passengers in a limousine from the airport terminal for a period not to exceed six (6) months from the date of the Airport Manager's decision. Nothing herein shall prohibit any person from transporting passengers to the airport. (Ord. No. 311, 3-31-80)

Sec. 4-53. Rates.

Limousines transporting passengers from Douglas Municipal Airport shall charge a rate of three dollars (\$3.00) per passenger for transportation to an area bounded by Brookshire Freeway, Kings Drive, East Morehead Street and Graham Street, and a rate of three dollars and fifty cents (\$3.50) per passenger for transportation to all areas within the city limits. Limousine rates shall be posted conspicuously in the interior of the vehicles so as to be at all times in plain view of the passengers. It shall be unlawful to charge in excess of or less than the rates prescribed in this section. Disputes as to limousine fares shall be determined by the Airport Manager or his designee, and both the passenger and driver shall comply with his determination.

Sec. 4-54. Regulations.

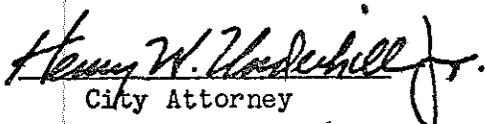
The Airport Manager shall have the authority to adopt reasonable rules and regulations for the safe, courteous and orderly operation of limousines at Douglas Municipal Airport. (Ord. No. 311, 3-31-80)

Sec. 4-55. Violations.

Any violation of the provisions of this Article shall be punishable by a fine not exceeding fifty dollars (\$50.00) or imprisonment for thirty (30) days as provided in Section 14-4 of the General Statutes of North Carolina. (Ord. No. 311, 3-31-80)

Section 2: This ordinance shall become effective upon adoption.

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of October, 1981, the reference having been made in Minute Book 77 and is recorded in full in Ordinance Book 31 at Pages 92-95.

Ruth Armstrong
City Clerk

ORDINANCE NO. 1070-X

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND TO PROVIDE AN APPROPRIATION FOR CONSTRUCTION OF A SPAY/NEUTER CLINIC.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. That the sum of \$73,550 is hereby transferred from the unappropriated balance of the General Fund to the Spay/Neuter Clinic account (324.00). These funds will be used to finance the construction, initial equipping, first year maintenance cost, and for the advertising cost to inform the public of the new program.

Section 2. All ordinances or parts of ordinances in conflict are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of October, 1981, the reference having been made in Minute Book 77 and is recorded in full in Ordinance Book 31 at Page 96.

Ruth Armstrong
City Clerk

ORDINANCE NO. 1071-X

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, RE-ESTABLISHING APPROPRIATIONS FOR TRANSIT PLANNING PROJECTS INITIATED DURING FY 1978-81.

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

Section 1. That the sum of \$167,993.71 is hereby transferred from the unappropriated balance of the Transit Section 8/9 grant and reappropriated for the preparation of transit plans including a corridor study, specialized transit study, a short range plan, and a reevaluation of the transit plan. These funds represent unspent, but obligated, grant funds previously allocated to Transit Administration, and will be used to continue programs initiated or scheduled for initiation during FY 1978-81.

Section 2. The State of North Carolina funding and the local match were included in the FY 1981-82 Budget Ordinance.

Section 3. It is anticipated that these projects will extend beyond the FY82 ordinance and will remain in effect for the duration of the project.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall become effective upon its adoption.

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of October, 1981, the reference having been made in Minute Book 77 and is recorded in full in Ordinance Book 31 at Page 97.

Ruth Armstrong
City Clerk

ORDINANCE NO. 1072

AMENDING CHAPTER 19

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE III, ENTITLED
"BICYCLES," OF THE CITY CODE OF THE CITY OF CHARLOTTE.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that Section 19-87 be repealed and replaced with the following provisions:

Section 1. Chapter 19, Article III, "Bicycles," Section 19-87 of the City Code is rewritten as follows:

§19-87. License Required, Mo-peds exempt.

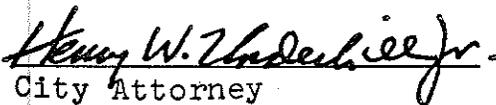
a. It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, alleys, public vehicular areas, or public highways of the city without first obtaining from the dealer a license therefor.

b. The following shall be exempt from the licensing requirements of this section:

Mo-ped - any vehicle having two or three wheels and operable pedals and equipped with a motor which does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 20 miles per hour on a level surface.

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of October, 1981, the reference having been made in Minute Book 77 and is recorded in full in Ordinance Book 31 at Page 98.

Ruth Armstrong
City Clerk