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WEEK IN REVIEW:

Mon (June 13)	Tues (June 14)	Wed (June 15)	Thurs (June 16)	Fri (June 17)
11:45 AM City Attorney Interviews, Room CH-14 5:00 PM Council Business Meeting/Budget Adoption, Room 267		12:00 PM Community Safety Committee, Room 280		US Conference of Mayors Annual Meeting Baltimore, MD

CALENDAR DETAILS:

Monday, June 13

11:45 am City Attorney Interviews, Room CH-14

5:00 pm Council Business Meeting/Budget Adoption, Room 267

Wednesday, June 15

12:00 pm Community Safety Committee, Room 280

AGENDA: Passenger Vehicle for Hire ordinance

June and July calendars are attached (SEE TABLE OF CONTENTS ON LEFT).

AGENDA NOTES:

Agenda Item #55 – Runnymede Lane Emergency Repair

Staff Resource: Barry Gullett, Utilities, 704-391-5073, bgullett@charlottenc.gov

On Tuesday night a 24-inch water line on Runnymede Lane near Michael Baker Place ruptured. The water from the pipe rupture flowed under the pavement of the road and caused significant buckling of the asphalt for about 400 feet along the entire width of the road.

Utilities has been working with NCDOT, CDOT and emergency response agencies to develop an emergency repair plan for the road. Utilities is currently obtaining pricing for the repair work and an extra item will be added to the Consent Agenda on Monday night to award an informal repair contract for that work and give more information relative to the repair plan. The RCA will be distributed to Council prior to the Dinner Briefing on Monday evening.

INFORMATION:

CMPD Eastway Division – New Facility

Staff Resources: Michelle Haas, E&PM, 704-336-3654, mhaas@charlottenc.gov

Bob Drayton, E&PM, 704-336-3300, rdrayton@charlottenc.gov

Council members received an email from a citizen with questions about the land acquisition process for the new Charlotte-Mecklenburg Police Department Eastway Division facility. Below is information about the plan for the new building at Central Avenue and Merry Oaks. Council will be asked to approve acquiring the needed properties at the business meeting on July 25.

The Charlotte-Mecklenburg Police Department has a Facilities Strategic Plan which shifts its focus from leased space to City owned facilities. In addition, CMPD believes that crime reduction is most effectively supported by patrol division offices that deliver of a broad range

of police services at the neighborhood level.

Major criteria for selecting the sites for new police facilities include:

- High visibility and accessibility to the public, including access by public transportation
- Sufficient space for a facility that can accommodate future personnel growth
- Sites that allow for police facilities of similar design and floor plans throughout the city to increase public recognition and reduce costs

The goal is for the staff in each patrol division to be an integral part of the community where they are located. The division offices are also designed with space that can be used for community meetings, further integrating police into the community.

To meet these objectives, CMPD, the Planning Department and City Real Estate staff look for parcels that are:

- Between 3.25 to 3.50 acres
- Located on a thoroughfare
- Close to the center of the patrol division boundaries

In looking for a site for the new Eastway Division office, numerous locations were considered including vacant or soon to be vacant properties such as Wal-Mart and Kate's Skating Rink. The Wal-Mart building will be leased another tenant. The Kate's site alone is not large enough, requiring acquisition of adjacent properties in addition to significantly higher development costs due to unsuitable topography and storm drainage conflicts.

City staff's first choice was the site at the intersection of Central Avenue and Merry Oaks. CMPD believes this site achieves the goals stated above. Two parcels were for sale during the initial investigation. City of Charlotte Real Estate agents began negotiations with owners of those lots and approached the owners of adjacent lots to assemble a 3.5 acre site. To date, offers have been made on all six parcels. Three property owners have accepted the offers and three properties will likely need to be acquired by eminent domain unless agreements are obtained by late July, when staff intends to present the land acquisitions to City Council for approval.

Councilmember Kinsey has been involved in site selection discussions with staff since the potential site lists were developed. She has also communicated frequently with the Merry Oaks neighborhood leaders. It appears that the majority of the Merry Oaks residents support the facility being built at this location.

The site is currently zoned R-22MF, R-4 which means it is suitable for single family homes, apartments or condominiums. In order to support a police division office, the site must be rezoned to Neighborhood Services-Conditional. Staff will file a re-zoning application once all property has been obtained.

FY2011 Mid-Year Small Business Enterprise Utilization Report

Staff Resource: Nancy Rosado, N&BS, 704-336-2116, nrosado@charlottenc.gov

Attached (SEE TABLE OF CONTENTS ON LEFT) is the FY2011 Mid-Year Small Business Enterprise (SBE) Utilization Report. The report, which highlights the City's efforts in meeting targeted performance measures for FY2011, was significantly delayed by various validation and technology related issues. The Small Business Opportunity program staff is currently developing recommendations to improve the reporting time between the end of a quarter and the release of the report.

The Mid-Year Report also introduces a combined Citywide SBE Utilization Goal for informal and formal SBE utilization. The reporting of a combined goal allows for greater accountability and recognition of SBE utilization throughout the organization. The combined SBE goal included in the FY12 Economic Development Focus Area Plan is 5%.

Highlights of the FY2011 Mid-Year Report include:

- Informal spending at 11.1% of the FY11 goal of 12% SBE utilization, representing \$3.8M
- Informal and Formal spending at 6.4% of the FY12 goal of 5%, representing \$12.6M
- Spending with minority and/or women owned firms equaled \$21.4M
- Subcontracting dollars paid by "Prime" contractors to SBEs totaled \$6.9M

June 10 State Legislative Update

Staff Resource: Dana Fenton, City Manager's Office, 704-336-2009, dfenton@charlottenc.gov

Attached (SEE TABLE OF CONTENTS ON LEFT) is the weekly State Legislative Update. Changes from the last update are denoted in **bold face** type.

The General Assembly is gearing up to adjourn by Friday, June 17. The House and Senate leadership is confident that the five Democrats who voted for the budget will vote to override any attempted veto from the Governor.

ATTACHMENTS (SEE TABLE OF CONTENTS ON LEFT):

May 18 Community Safety Committee Summary

June

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
			1 12:00p Budget Adjustments & Straw Votes, Room 267	2 12:00p mtg cancelled Community Safety Committee, Room 280	3	4 9:00a District 4 Document Shredding and Safety; Smokey Bones BBQ & Grill parking lot, 8760 J.M. Keynes Blvd
5	6 2:00p Economic Development Committee, Room 280 3:00p Redistricting Committee, CMGC 8 th Floor Innovation Station 4:00p Governmental Affairs Committee, Room 280 5:00p Council Workshop 7:30p Citizens' Forum	7	8 12:00p mtg cancelled Housing & Neighborhood Development, Room CH-14	9 3:30p mtg cancelled Economic Development Committee, Room 280	10	11
12	13 11:45a City Attorney Interviews, Room CH-14 3:30p mtg cancelled Transportation & Planning Committee, Room 280 5:00p Council Business Meeting/Budget Adoption	14	15 12:00p Community Safety Committee, Room 280	16 6:30p mtg cancelled District 5 Leadership Appreciation Event, Room 267	17	18
19	20 3:30p Transportation & Planning Committee, Room 280 5:00p Zoning Meeting	21	22 5:30p MTC Meeting, Room 267	23 12:00p mtg cancelled Restructuring Government Committee, Room 280 3:30p mtg cancelled Economic Development Committee Room 280	24	25
US Conference of Mayors Annual Meeting Baltimore, MD				Charlotte Chamber Inter City Visit Seattle, Washington		
26	27 3:45p Environment Committee, Room 280 5:00p Council Business Meeting 6:30p Citizens' Forum	28	29 12:00p Community Safety Committee, Room CH-14	30 11:30p Housing & Neighborhood Development, Room 280 1:00p Restructuring Government, Room 280		
						2011

July

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
					1	2
3	4 HOLIDAY INDEPENDENCE DAY	5	6	7	8	9
10	11	12	13	14 3:30p mtg cancelled Economic Development Committee, Room 280	15	16
17	18 3:30p Economic Development Committee, Room 280 5:00p Zoning Meeting	19	20	21	22	23
24	25 3:30p Transportation & Planning Committee, Room 280 5:00p Council Business Meeting 6:30p Citizens' Forum	26	27 5:30p MTC Meeting, Room 267	28	29	30
31						

2011

Small Business Enterprise Utilization Report

JULY. 1. 2010 – DECEMBER. 31. 2010

FY 2011 | MID YEAR



CHARLOTTE.

NEIGHBORHOOD & BUSINESS
SERVICES

Small Business Opportunity Program • City of Charlotte • 600 East Trade Street • Suite 300 • Charlotte NC 28202
704-432-1395 • <http://smallbiz.charmeck.org>

The first six months of Fiscal Year 2011 were busy for the Small Business Opportunity (SBO) Program. With renewed energy and a focus on enhancing competition in City contracting, the SBO Program and City leadership continues to seek opportunities for promoting small business economic growth and development. As a result, we have increased our participation over the same period last year by 50% with more than \$12.6M spent with certified small businesses.

The SBO Program has been working with Key Business Units to identify opportunities for SBE utilization. We have met with the KBUs which have the most opportunity to contract with SBEs to offer assistance and program support. Over the coming months, we will continue to meet with KBU purchasing staff to share ideas, best practices and provide training on how to provide more opportunities for SBEs to participate on City contracts.

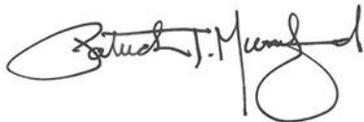
As you review the following FY2011 Mid-Year Report you will notice that SBE Utilization is reported by Key Business Unit and Citywide for: total informal, total formal, and total combined informal and formal spend. This enhancement has been made to prepare for tracking and reporting of a combined informal and formal SBE Utilization Goal to take effect in FY2012.

The FY2012 combined goal, which was approved as an Economic Development Focus Area Plan measure, removes the former Citywide SBE Informal Goal and instead establishes a combined Citywide SBE Utilization Goal. The reporting of a combined goal allows for greater accountability and recognition of SBE utilization throughout the organization.

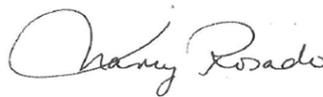
Highlights of the City's Small Business Enterprise (SBE) and Minority and Women Owned Business utilization in this report include:

- Informal spending with SBEs citywide totaled \$3.8M or 11.11%
- Formal spending with SBEs citywide totaled \$8.8M or 5.40%
- Combined Formal and Informal spending with SBEs citywide totaled \$12.6M or 6.40%
- Total spending with minority and/or women owned firms equaled \$21.4M or 10.83%
- Subcontracting dollars paid by "Prime" Contractors to SBEs totaled \$6,940,826

We are pleased to share this report with you and look forward to additional process improvements and collaboration to increase our support of local small businesses.



Pat Mumford
Director
Neighborhood & Business Services



Nancy Rosado
Manager
Small Business Opportunity Program

Small Business Enterprise (SBE) Informal Spending

The City distinguishes City purchases as either Formal or Informal based on purchase type, dollar size, or solicitation method. The table below denotes all goods or service purchases less than \$100,000 and construction contracts less than \$200,000.

For FY2011, the City established a 12% Citywide SBE Informal Utilization Goal. During this reporting period, citywide informal spending equaled **\$34,552,328**; of this amount, **\$3,839,464 (11.11%)** was spent with City certified SBE firms.

KEY BUSINESS UNIT	Total Informal \$ Spent	Mid-Year SBE Informal Utilization	Mid-Year SBE Utilization %
AVIATION	\$4,220,765	\$ 750,158	17.77%
BSS	\$2,394,246	\$ 87,673	3.66%
BUDGET	\$5,457	\$ 4,455	81.64%
CATS	\$2,452,571	\$ 102,659	4.19%
CHARLOTTE DEPT. OF TRANS.	\$5,060,756	\$ 81,755	1.62%
CHARLOTTE FIRE DEPT.	\$654,975	\$ 100,792	15.39%
CITY ATTORNEY'S OFFICE	\$5,049	\$ -	0.00%
CITY CLERK'S OFFICE	\$10,281	\$ 245	2.38%
CITY MANAGER'S OFFICE	\$656,083	\$ 49,520	7.55%
CHARLOTTE-MECKLENBURG POLICE	\$1,618,130	\$ 138,822	8.58%
CHARLOTTE-MECKLENBURG UTILITIES	\$6,855,098	\$ 571,086	8.33%
ENGINEERING & PROPERTY MGMT.	\$7,442,872	\$ 1,472,720	19.79%
FINANCE	\$461,984	\$ 141,476	30.62%
HUMAN RESOURCES	\$167,869	\$ 15,541	9.26%
MAYOR'S OFFICE	\$7,301	\$ 5,114	70.05%
NEIGH. & BUSINESS SERVICES	\$2,144,367	\$ 259,723	12.11%
PLANNING	\$129,898	\$ 888	0.68%
SOLID WASTE SERVICES	\$264,626	\$ 56,837	21.48%
CITYWIDE	\$34,552,328	\$ 3,839,464	11.11%

Small Business Enterprise (SBE) Formal Spending

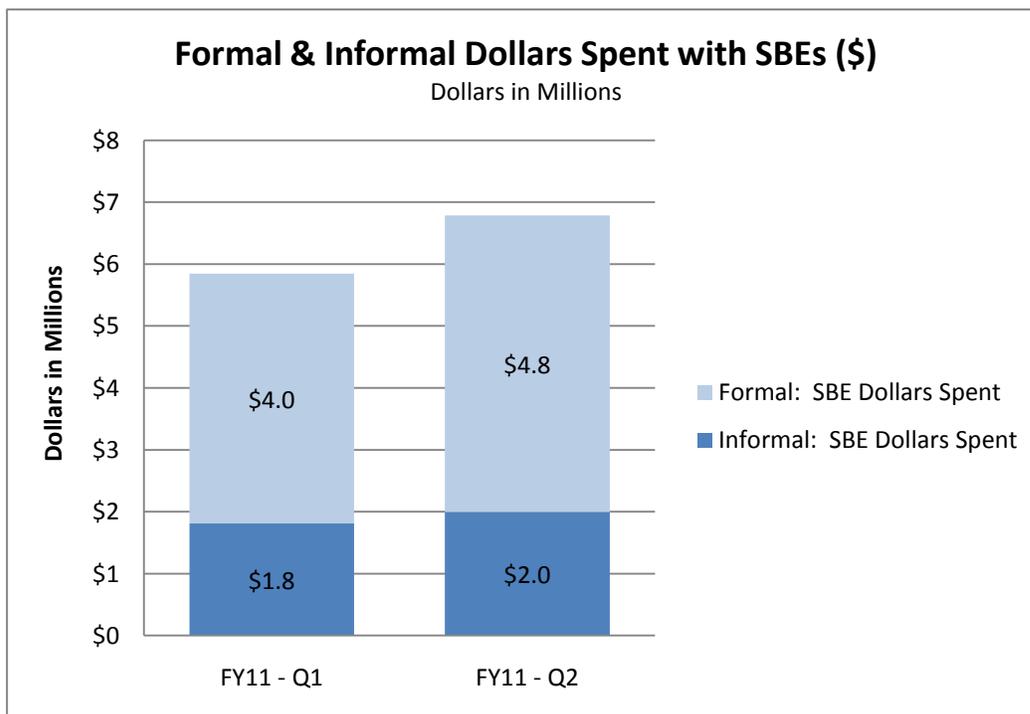
The table below denotes all Formal purchases, for goods or services more \$100,000 and construction contracts more than \$200,000. During this reporting period, citywide formal spending equaled **\$162,960,849**; of this amount, **\$8,806,055 (5.40%)** was spent with City certified SBE firms.

Key Business Unit	Total Formal \$ Spent	Mid Year SBE Formal Utilization	Mid Year SBE Utilization %
AVIATION	\$16,608,688	\$178,223	1.07%
BUSINESS SUPPORT SERVICES	\$4,918,566	\$5,612	0.11%
BUDGET & EVALUATION	\$105,366	0	0
CHARLOTTE AREA TRANSIT	\$9,546,121	\$150	0
CHARLOTTE DEPT. OF TRANSPORTATION	\$22,933,867	\$910,900	3.97%
CHARLOTTE FIRE DEPARTMENT	\$2,185,476	0	0
CITY ATTORNEY'S OFFICE	\$4,311	0	0
CLITY CLERK'S OFFICE	\$3,874	0	0
CITY MANAGER'S OFFICE	\$94,637	0	0
CHARLOTTE-MECKLENBURG POLICE	\$5,287,627	\$129,870	2.46%
CHARLOTTE-MECKLENBURG UTILITIES	\$59,164,137	\$2,965,436	5.01%
ENGINEERING & PROPERTY MANAGEMENT	\$37,575,421	\$4,556,194	12.13%
FINANCE	\$1,007,117	0	0
HUMAN RESOURCES	\$358,892	0	0
MAYOR'S OFFICE	\$2,616	0	0
NEIGHBORHOOD & BUSINESS SERVICES	\$2,920,284	\$36,430	1.25%
PLANNING	\$20,313	0	0
SOLID WASTE SERVICES	\$223,537	\$23,240	10.40%
CITYWIDE	\$162,960,849	\$8,806,055	5.40%

Small Business Enterprise (SBE) Total Spending

Total citywide informal and formal spending equaled **\$197,513,174**; of this amount, **\$12,645,519 (6.40%)** was spent with City certified SBE firms.

KEY BUSINESS UNIT	Total Informal & Formal Spend	Mid-Year SBE Informal & Formal Utilization	Mid-Year SBE Utilization (%)
AVIATION	\$20,829,453	\$928,381.00	0.47%
BUSINESS SUPPORT SERVICES	\$7,312,812	\$93,285.00	0.05%
BUDGET & EVALUATION	\$110,823	\$4,455.00	0.00%
CHARLOTTE AREA TRANSIT	\$11,998,692	\$102,809.00	0.05%
CHARLOTTE DEPT. OF TRANSPORTATION	\$27,994,623	\$992,655.00	0.50%
CHARLOTTE FIRE DEPARTMENT	\$2,840,451	\$100,792.00	0.05%
CITY ATTORNEY'S OFFICE	\$9,360	\$0.00	0.00%
CLITY CLERK'S OFFICE	\$14,155	\$245.00	0.00%
CITY MANAGER'S OFFICE	\$750,720	\$49,520.00	0.03%
CHARLOTTE-MECKLENBURG POLICE	\$6,905,757	\$268,692.00	0.14%
CHARLOTTE-MECKLENBURG UTILITIES	\$66,019,235	\$3,536,522.00	1.79%
ENG. & PROPERTY MANAGEMENT	\$45,018,293	\$6,028,914.00	3.05%
FINANCE	\$1,469,101	\$141,476.00	0.07%
HUMAN RESOURCES	\$526,761	\$15,541.00	0.01%
MAYOR'S OFFICE	\$9,917	\$5,114.00	0.00%
NEIGHBORHOOD & BUSINESS SERVICES	\$5,064,651	\$296,153.00	0.15%
PLANNING	\$150,211	\$888.00	0.00%
SOLID WASTE SERVICES	\$488,163	\$80,077.00	0.04%
CITYWIDE	\$197,513,174	\$12,645,519.00	6.40%



Minority / Women Business Utilization

Citywide informal and formal spending totaled **\$197,513,174**; of this amount, **\$21,395,501 (10.83%)** was spent with minority and/or women-owned businesses.

Informal & Formal Spending		Mid Year FY11		
Work Category	Target*	Utilization (%)	Utilization (\$)	Dollars Spent
Architectural & Engineering	12.82	12.03%	\$ 1,353,028	\$ 11,248,350
Construction	15.41	17.55%	\$ 13,109,781	\$ 74,703,067
Construction under \$30K	15.13	16.98%	\$ 154,962	\$ 912,595
Goods & Supplies	6.7	3.83%	\$ 1,255,924	\$ 32,760,991
Other Services	9.14	7.01%	\$ 5,034,409	\$ 71,864,306
Professional Services	17.67	8.09%	\$ 487,397	\$ 6,023,864
Total		10.83%	\$ 21,395,501	\$ 197,513,174

*Target derived by 2003 Disparity Study.

Construction Subcontracting Utilization

Citywide spending for formal construction dollars totaled **\$54,081,099**; of this amount, **\$6,940,826 (12.83%)** was spent with minority and/or woman-owned firms as subcontractors.

Mid Year FY11				
Ownership	Target*	Utilization (%)	Utilization (\$)	Met Goal
Asian American	0.23	0.05%	\$28,341	-
African American	2.91	2.16%	\$1,167,604	-
Non-Minority Female	2.02	9.30%	\$5,031,567	✓
Hispanic/Latino	0.5	0.95%	\$513,868	✓
Native American	0.15	0.37%	\$199,446	✓
Total			\$6,940,826	

*Target derived by 2003 Disparity Study.



**CITY MANAGER'S OFFICE
M E M O R A N D U M**

June 10, 2011

TO: Curt Walton, City Manager
Ron Kimble, Deputy City Manager

FROM: Dana Fenton, Intergovernmental Relations Manager

SUBJECT: **State Legislative Update**

HOT TOPIC

State Budget

- **Governor Perdue has until Tuesday, June 14 to take action on the budget bill.** If the Governor vetoes the budget bill, then the bill will be returned to the House of Representatives where 3/5 of present and voting members can vote to override the veto; if the House votes to override the veto, the bill will then be sent to the Senate where 3/5 of present and voting members must also vote to override the veto before the bill can become law
- **Leading up to the end of the session, staff will be monitoring developments with the budget technical corrections bill to guard against last minute changes to the budget that are harmful to the City**
- Major points of interest to the City in the budget include:
 - Funding appropriated for NCDOT to commit to state share of Blue Line Extension, and budget does not include any provisos that create any conditions prior to NCDOT entering into Full Funding Grant Agreement with City for Blue Line Extension and Red Line Commuter Rail projects
 - Powell Bill funds to be paid to cities in two equal installments on October 1 and January 1 instead of one payment on October 1
 - Reduces funding for CATS Statewide Maintenance Assistance Program (SMAP) payments by 6%
 - Requires NCDOT to consult with the Joint Legislative Commission on Governmental Operations before accepting federal rail funds if the required state matching funds or future annual maintenance costs are reasonably expected to

- exceed \$3 million, and seek approval of the General Assembly if costs are expected to exceed \$5 million; caveat allows NCDOT to accept funds if 30 days have passed since consultation with the Joint Legislative Commission on Governmental Operations and General Assembly has not acted upon request
- Trial Court Administrator positions in 10 districts including Mecklenburg are funded
 - Mobility Fund budgeted in FY 12 but FY 13 and FY 14 funding directed to DOT Prioritization Reserve Fund while criteria for program is reformulated; budget also strikes language favoring projects that qualify for Congestion Relief and Intermodal Fund in the process; intent is for General Assembly to approve funding formula and projects chosen

DEVELOPING ISSUES

Amend Bail Laws/Pretrial Services (SB 756 – Clary)

Legislation substantially amends bail laws and pretrial services operated in 20 counties including Mecklenburg; CMPD is examining electronic monitoring provisions for potential impacts; passed House

Technical Changes to 2010 Personnel Records Law (SB 554 – Brunstetter)

Brings clarity to the issue of the effective date of the 2010 personnel records law requiring release of detailed employee records; only notices of dismissal, suspensions and demotions for disciplinary reasons that took effect on or after October 1, 2010 would be subject to disclosure; information on changes to salary and disclosure of promotions, demotions, transfers, suspensions, separations and changes in position classification taken on and after October 1, 2007 would have to be released; referred to Senate Judiciary I; **re-referred to Senate Finance and is scheduled for hearing on 6/13**

Water Use Restrictions (HB 787 – McGrady / SB 427 – Clodfelter)

As introduced, HB 787 would impose 45 gallon/person/day residential water use limitation in 2035 while SB 427 would impose same limit for both residential and commercial uses; both bills establish intermediate goals of 100 and 75 gallons per day, respectively in 2016 and 2025; committee amended HB 787 to replace gallon/person/day requirements with education program from Department of Natural Resources emphasizing efficiency and conservation; passed House; **referred to Senate Agriculture**

Billboards / Trees and Vegetation Removal (SB 183 – Brown / HB 309 LaRoque)

Billboard industry sponsored legislation that implements a set of statewide standards to maintain trees and other vegetation near billboards instead of the current practice of NCDOT enforcing local ordinances including the City's tree ordinance; SB 183 substitute legislation reported out of Senate Transportation Committee on April 27 extends view zones for billboards in cities and their ETJs from 250 feet to 340 feet along interstate and limited access highways, and supersedes tree ordinances regulating removal of vegetation and trees; referred to Senate Finance where discussion occurred on May 10; Senate Finance committee reported bill on May 17; May 24 floor amendment attempts to address requirement for nexus between location of selective vegetation removal and replanting; proposed amendment to protect landscaping in areas under

Section 106 of the National Historic Preservation Act was not needed as NCDOT believes it has sufficient authority to require outdoor advertisers to replant landscaping; passed Senate; **before House on 6/13**

Zoning / Aesthetic Controls (SB 731 – Clodfelter)

Prohibits certain "building design elements" from being applied in either traditional zoning districts or parallel conditional districts; "building design elements" means "exterior building color, type of style, or exterior cladding material, exterior nonstructural architectural ornamentation, architectural styling of windows and doors, the number and types of rooms, and interior layout of rooms; phrase does not include buffering or screening of development to minimize visual impacts or impacts of light and noise on surrounding, parking and loading areas, or signage of buildings or collections of buildings"; local historic districts and areas listed on the National Register of Historic Places are exempt as well as the application of elements related to requirements of fire and life safety codes; legislation is an outgrowth of concerns raised by the development industry to building design elements promulgated by several NC cities and towns, and which are being discussed by the City of Charlotte at this time; passed Senate

Out of State Law Enforcement Officers / Special Events (SB 600 – Clodfelter)

Authorizes the City of Charlotte to secure law enforcement resources from outside of state for the DNC; bill was requested by CMPD to ensure that the right types of skills needed to successfully provide security at the DNC are available, regardless of whether or not such resources are from North Carolina; reported out of Senate Judiciary I and passed Senate; **to be heard in House Government June 16**

Ecosystem Enhancement Program Changes (SB 425 – Hunt)

Makes a number of changes to the Ecosystem Enhancement Program (EEP) administered by the Department of Environmental and Natural Resources (DENR); among the changes is a provision that favors the purchase of wetland mitigation credits from privately owned mitigation banks over publicly owned mitigation banks, such as the one owned by the City of Charlotte; referred to Senate Agriculture / Environment / Natural Resources; **staff was able to secure amendment authorizing EEP to purchase from local government compensatory mitigation banks established prior to July 1, 2011 only after unsuccessfully purchasing credits from private compensatory mitigation banks**

Temporary Family Health Care Structures (HB 887 – Moffitt)

Legislation would allow on a by-right basis in any single family detached residential district zone, the placement of temporary family health care structures; the purpose of a temporary family health care structure is to provide shelter for a mentally or physically impaired person to live in adjacent to the home of their caregiver, who must be a blood relative; structure can be no more than 300 gross square feet; must be moved within 30 days after the person no longer needs the care; similar to legislation passed in Virginia in 2010, and introduced in 2011 in several other states; referred to House Government; reported out of House Government; amended to require certification by physician that person is mentally or physically impaired; **final reading in House on 6/13**

County Law Enforcement Service Districts (HB 280 – Brawley)

Legislation amends the statute authorizing Mecklenburg County to contract with Charlotte-Mecklenburg Police Department to provide law enforcement services in the unincorporated areas of the County by allowing the county to contract with more than one law enforcement agency; passed House and referred to Senate State and Local Government; reported out of committee and passed Senate; signed by Governor into law

Residential Building Inspections (HB 554 – Committee Bill / SB 683 - Hunt)

Legislation would place restrictions on how cities and counties may conduct rental inspection programs including prohibiting required registration of rental properties; periodic inspections of all rental properties; and levying of special taxes and fees on owners of residential rental properties not also levied against other commercial and residential properties; referred to House Commerce and Job Development; staff is engaged in negotiations with sponsor to ameliorate impacts of legislation to ensure fees, registration and remedial action program may remain intact; **passed Senate**

Property Owner’s Protection Act (HB 652 – Moffitt)

Requires all statutes, rules, ordinances and regulations to be ‘construed against the government’ and ‘liberally construed in favor of the property owner’; if a property owner is successful in challenging an ordinance, statute, rule or regulation, the municipality would be responsible for attorney’s fees; referred to Committee on Commerce and Job Development; staff is engaged in negotiations with sponsor to address the concerns that prompted introduction of legislation; **bill was referred to study group**

Attorneys Fees (HB 687 – Brawley)

Allows courts to require payment of reasonable attorneys fees when it finds municipality acted outside of its legal authority for any ordinance, resolution, or administrative action; reported out of House Judiciary Subcommittee A; passed House with additional language requiring payments of attorneys’ fees and costs if court found local action was abuse of its discretion; referred to Senate Judiciary I

Electronic Notices (HB 472 – McGrady / SB 773 - Brock)

Legislation allows municipalities to adopt ordinances to move selected newspaper notices to electronic notice; referred to House Government; HB 472 failed to report

Municipal Broadband - Level Playing Field/Local Government Competition (HB 129 – Avila / SB 87 - Apodaca)

Bill imposes additional requirements for municipalities to follow when establishing broadband systems for use by the general public; section of bill exempts internal government broadband systems that work within the jurisdictional boundary; HB 129 includes Charlotte request to broaden exemption to regional systems so as to accommodate the public safety broadband system funded by the stimulus grant to serve regional public safety assets which will be operated by the City, which Representative Carney was instrumental in securing; passed Senate and House concurred with changes; sent to Governor; signed into law by Governor

Eminent Domain / Economic Development (HB 8 – Stam / SB 37 – Jackson)

Proposed constitutional amendment would ban the use of eminent domain for any and all economic development purposes, even those that are incidental to the project; referred to Judiciary committees; HB 8 amended to remove sentence containing reference to incidental purposes; bill also removes authority of public and private condemners' to condemn property for a public benefit, which is intended to go after the North Carolina Supreme Court decision in the Fed Ex case in Greensboro; reported out of House Judiciary; scheduled for floor debate on April 20; passed House on April 28; referred to Senate Judiciary I

Filling Vacancies in Local Offices (SB 266 – Clodfelter)

Legislation would standardize how vacancies in offices of mayor and city council, board of commissioners, coroners, register of deeds would be filled; for city councils with partisan elections, council would be required to consult the county executive committee of that political party and seek recommendations, and appoint one of those recommended if they are one of three or more unranked nominations; if there are fewer than three nominations, then council could make selection as it is currently done; referred to Senate Judiciary II

Extraterritorial Jurisdiction / Farms (HB 168 – Cleveland / SB 380 - Jackson)

Similar legislation would alter long-standing land use control authority over bona fide farms, and create significant zoning loopholes under existing statutes; NCLM working with bill sponsors to address these issues; concepts in the bills have broad legislative support; HB 168 passed House and referred to Senate Finance; SB 380 reported out of Senate Agriculture / Environment / Natural Resources, passed Senate and referred to House Agriculture

Extraterritorial Jurisdiction Restrictions (HB 281 – LaRoque)

As introduced, bill allows residents of ETJ areas to vote in municipal elections; this would require redrawing of council districts to include the ETJ; referred to House Government; re-referred to House Rules and amended to study the issue of extraterritorial planning jurisdiction

Additional Extraterritorial Jurisdiction Restrictions (HB 797 – Sager / SB 622 – Rouzer)

Proposes to restrict a city from including in its ETJ the environmental impact on watersheds; bill would restrict the current ETJ to include only land meeting the definition of "urban purposes" as used in the annexation statutes; the intent may be to address concerns regarding nutrient management

Workers Compensation (HB 709 – Folwell / SB 544 – Brown)

Proposes to reform current system by capping number of weeks injured workers may obtain compensation, defines suitable employment, and makes changes to the process of how the industrial commission decides cases; referred to House Select Committee on Tort Reform; HB 709 PCS reported out of committee; passed House; referred to Senate Insurance; **passed Senate and sent to Governor**

Capping Motor Fuels Excise Tax, aka "Gas" Tax (HB 399 – McElraft / SB 666 – Forrester)

Similar bills would cap motor fuels excise tax (aka gas tax) collections at 32.5 cents per gallon and according to NCDOT, would require reduction in expenditures over next ten years of \$1.2 billion; Metropolitan Transit Commission adopted position of opposition to both bills

Highway Equity Formula (HB 635 – Murry)

Strikes language from statute related to completion of the intrastate system which has the effect of changing the equity distribution formula to 66% population and 33% equal share among the highway divisions; bill also removes the federal funds for metropolitan planning organizations over 200,000 in size (STP-DA funds) from the State's transportation equity formula; referred to House Rules Committee; legislation would provide significantly more funds for urban areas

No High Speed Rail (HB 422 - Killian, Frye)

HB 422 is the legislation that would require NCDOT to consult with the Joint Legislative Commission on Governmental Operations before accepting federal rail funds if the required state matching funds or future annual maintenance costs are reasonably expected to exceed \$3 million, and seek approval of the General Assembly if costs are expected to exceed \$5 million; caveat allows NCDOT to accept funds if 60 days have passed since consultation with the Joint Legislative Commission on Governmental Operations has occurred and General Assembly has not acted upon request; HB 422 is retroactive to April 1, 2011 and does not impact rail funds already accepted by State including the \$566 million accepted prior to April 1, 2011; passed House and referred to Senate Transportation

Admissions Ticket Reform Act (HB 308 – LaRoque)

Legislation sought by ticket resellers StubHub and Ticket Network to gain entry into North Carolina market; in process, would impose additional costs on current ticket office operations, including those venues operated by Charlotte Regional Visitors Authority, without corresponding offsetting benefit; bill also raises competitive barrier to acts booking in North Carolina by requiring disclosure of proprietary information not required in other states; CRVA opposes legislation; referred to Judiciary Subcommittee B

LEGISLATIVE AGENDA

Design-Build (SB 56 – Clodfelter)

SB 56 referred to Senate Finance; **revised legislation was not scheduled for hearing in Senate Finance, thus legislation will not be considered in final week of session**

Nuisance Abatement (SB 170 – Hartsell / HB 433 - Bordsen)

SB 170 referred to Senate Judiciary II; HB 433 referred to House Judiciary Subcommittee B; **SB 170 was reported out of Judiciary II, it was returned to committee for a second time to protect it from amendments to carve out exemption for night clubs and others with ABC permits; HB 433 reported out of committee but did not pass House prior to crossover**

E-Mail Subscribers (SB 182 - Jenkins)

Statewide legislation extending exemption to all localities in the State, while preserving privilege of public to inspect lists; signed into law by Governor on April 28

Business Privilege License Tax (SB 658 – Clodfelter)

Local business privilege license taxes would be abolished effective July 1, 2014 under a comprehensive tax reform measure; such revenues would be replaced by other revenues

collected by the State and dedicated statutorily for local governments; referred to Senate Finance

Annexation

- HB 845 (LaRoque) is the House annexation reform package; according to NCLM, bill includes language requiring local governments to pay the full cost of water and sewer hook-ups to every residence, if more than 50% of the area property owners 'opt-in'; bill also includes a veto petition which is a very significant departure from current, long-standing annexation laws; upon the gathering of 60% of the property owners' signatures, the annexation would be stopped; municipality would have the opportunity to adopt a resolution of consideration after 24 months; while the bill is extremely restrictive, it is likely better than an extended moratorium that would of course allow for no annexations whatsoever; bill would take effect on July 1, 2011 allowing 2011 annexations to take effect on June 30; reported out of House rules on May 2, and reported out of House Finance on May 11; passed House on May 16
- HB 9 – Dollar / SB 27 – Brock would impose moratorium on all involuntary annexations currently in process until July 1, 2012; City's proposed annexations effective June 30, 2011 would be impacted even though the City has already expended \$5 million in support of annexation; legislation is on hold pending outcome of HB 845
- SB 548 (Davis) is North Carolina Association of County Commissioners bill that outlines NCACC legislative goals; legislation is on hold pending outcome of HB 845
- No Annexation of Bona Fide Farms (SB 530 - Jackson) would prohibit any land used for bona fide farm purposes from involuntary annexation without the written consent of the owner; passed Senate and referred to House Government

Courts Funding

Budget funds Trial Court Administrator positions in 10 districts including Mecklenburg

Mobility Fund

Budget funds Mobility Fund in FY 12 but directs FY 13 and FY 14 funding to DOT Prioritization Reserve Fund while criteria for program is reformulated; budget also strikes language favoring projects that qualify for Congestion Relief and Intermodal Fund in the process; intent is for General Assembly to approve funding formula and projects chosen

Local Revenue Sources for Roads and Transit

Nothing to report at this time.

OTHER BILLS BEING WATCHED

Roadside Campaign Signs (SB 315 – Daniel)

Bill enacts statewide standards for placement of campaign signs in state rights-of-way from 30 days before the election to 10 days after the campaign; referred to Senate Transportation; proposed committee substitute reported on May 18; local governments requesting amendment to

allow cities to exempt themselves from this bill due to confusion over common boundaries of state and city rights-of-way; re-referred to Senate Finance; **passed Senate and referred to House Transportation**

Partisan Elections for Supreme Court, Court of Appeals, Superior and District Courts (HB 64 – Sager / SB 47 – Tillman)

Bill would restore partisan elections for these judicial positions; referred to Senate and House Judiciary committees; **revised SB 47 reported out of committee and passed House**

State Law to Provide for Acceptable ID's (HB 33 – Cleveland)

Specifies forms of identification that all governmental entities, including local governments are authorized to use to determine actual identity; reported favorably out of House Government and re-referred to House Judiciary; substitute version of bill prohibits only use of consular or embassy documents to prove identity; reported out of committee; passed House March 30; referred to Senate Rules

Public Contracts / E-Verify (HB 36 – Cleveland)

Legislation prohibits state and local government contracts with those companies that employ illegal immigrants and requires such contractors to use the federal E-Verify program to ensure that illegal immigrants are not hired; contractors are starting to lobby the General Assembly regarding the additional costs and liabilities this legislation would impose upon businesses; proposed committee substitute includes contractor and subcontractor language of original bill and requirement for cities and counties to use E-Verify in their employment processes; reported out of committee; re-referred to Judiciary Subcommittee A; amended to require all private sector employers with 25 or more employees in this State to participate in the E-Verify program; reported favorably from committee

Public Employees / Public Contracts / E-Verify (SB 204 – Allran)

Legislation requires counties and cities to use the federal E-Verify program to verify the work authorization of new employees; also requires that private entities contracting with counties and cities use the E-Verify program to verify the work authorization of its employees; referred to Senate Rules

Support Law Enforcement / Safe Neighborhoods (HB 343 – Cleveland)

Comprehensive legislation that prohibits local policies limiting enforcement of federal immigration laws, including adoption of so-called “Sanctuary” policies; requires use of federal E-Verify program for local government and public contractor employment; cites specific forms of identification governments can accept to receive public benefits; and prohibits admission of students who are not lawfully present in the United States from enrollment at community colleges and state universities; referred to Judiciary Subcommittee A

Firearms in Locked Vehicles (HB 63 – Shepard)

Handgun Permit Valid in Parks and Restaurants (HB 111 – Hilton)

HB 63 takes away privilege of most employers to regulate whether employees can store firearms in personal vehicles on employer owned premises; HB 111 extends right of concealed weapons holder to carry concealed weapons into parks and restaurants; HB 111 amended to authorize

owners of restaurants to ban carrying of concealed weapons on their premises; both bills referred to House Judiciary; HB 111 reported favorably out of committee; amendment adopted by full House authorizes local governments to prohibit the carrying of concealed weapons in recreational facilities which are defined as playgrounds, athletic fields, swimming pools, and athletic facilities; HB 111 passed House and referred to Senate Judiciary II

Sunshine Amendment (HB 87 – LaRoque)

Bill would approve vote of the people to amend the North Carolina Constitution to make it more difficult for the General Assembly to amend public records and open meetings laws by requiring three-fifths vote for passage instead of majority vote; essentially this would make it much more difficult for local governments to successfully seek amendments to the public records and open meetings laws; referred to House Rules; passed House Rules and before full House; bill rereferred to House Rules committee; failed to report out of committee; bill was conformed to entirely new bill

Taxpayer Information Act (HB 315 – Pridgen)

Requires information concerning estimated total amount of principal and interest of proposed general obligation bonds to be included in the ballot questions of local general obligation bond referenda; hearing held Friday June 3 **and heard second time on Wednesday June 8 where no action was taken**

Government Transparency Act (SB 344 – Clary)

Requires disclosure of reasons for each employee promotion, demotion, transfer, suspension, separation, or other change in position classification, and performance evaluations; referred to Judiciary I

Fire Separation Allowance (SB 350 – Hartsell)

Legislation would require the Local Government Employees' Retirement System or an equivalent locally sponsored retirement plan such as Charlotte Firefighters' Retirement System to provide an annual separation allowance to eligible retired firefighters; this would be in addition to all other currently provided benefits; fiscal impact is being determined at this time; similar allowance for retired police officers costs the City approximately \$3.9 million per year; referred to Senate Pensions & Retirement & Aging; it is understood this bill will be overhauled significantly; will be heard June 8; **substitute version of legislation that does not immediately impact City was drawn up but not heard**

Law Enforcement Officers Fairness Act (HB 602 – Justice / SB 664 - Rouzer)

Requires changes to the dismissal procedure for a municipal police officer, including just cause for dismissal, establishment of a review board, and other procedures; bill establishes the right for the police officer to be 'represented' but does not limit that representation in any way; referred to House Judiciary and Senate Rules



Charlotte City Council
Community Safety Committee
Meeting Summary for May 18, 2011

COMMITTEE AGENDA TOPICS

- I. **Subject:** **Passenger Vehicle for Hire Ordinance**
Action: None

COMMITTEE INFORMATION

Present: Patrick Cannon, Michael Barnes, Andy Dulin, and Patsy Kinsey
Absent: Edwin Peacock
Time: 12:15 pm – 1:40 pm

ATTACHMENTS

1. Agenda Package
2. Summary of Changes
3. Draft PVH Ordinance

DISCUSSION HIGHLIGHTS

Chairman Cannon called the meeting to order and asked everyone in the room to introduce themselves.

I. **Passenger Vehicle for Hire Ordinance**

Chairman Cannon stated that this agenda item has been on our docket for some time and the staff resources are Assistant City Manager Eric Campbell and Mujeeb Shah-Khan from the Attorney's Office. The staff will continue to review and discuss the proposed revisions to the Passenger Vehicle for Hire Ordinance, Chapter 22. No decision is requested at this time unless the Committee so desires. It is just my thought that there are still so many things that we need to take a look at and make sure we have crossed all the T's as we don't want to move too fast. We have said that we would probably have another two meetings in June and report back to the Mayor and City Council in July. Of course if we get to the meat of what needs to be gotten to we can continue to move forward, otherwise we will proceed as scheduled.

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Campbell: Today, staff is responding to some of the questions that were posed at our last meeting. There were questions around some of the regulations and issues as we provide the new draft to you so I will quickly turn it over to Mr. Shah-Khan to walk through those questions. If there are additional questions that you want us to take a look at in the future, we will do that.

Mujeeb Shah-Khan: The first memo before you from my office is a memo which deals with about six different issues that you had asked us at the last meeting to look into and provide information. I will briefly walk through those because you probably have not had an opportunity to review this memo in detail yet. (Mr. Shah-Khan read through and reviewed the "Issues Raised Memo" copy attached.)

Dulin: Regarding #4, out-of-state drivers. That seems to be backwards. It just seems like this is the first time I've heard that the driver gets the permit and then has to get his license. We really don't have any way to know that he goes to get his North Carolina driver's license. As opposed to, if you want a permit, then you need to line up the appropriate paper work which an outsider would think would include a North Carolina driver's license before you go get your permit to operate in North Carolina.

Shan-Khan: Our thought process in saying they have 7 days to get the driver's license provides a way for them to make sure they can get the permit because there is some expense to get the driver's license, whereas the permit and application costs for a PVH permit is a good bit more. We of course are happy to modify it if the Committee wants us to say that when you apply you have to have a North Carolina driver's license. We can make that change easily if that is what the Committee would like for us to do.

Dulin: Now that I think about it, we've got CMPD Officers that live in South Carolina and come to Charlotte to work. We have all kinds of people that rotate into Charlotte every single day and a driver could come up from South Carolina if they worked legally in North Carolina and they wouldn't be able to get a North Carolina license if they were a South Carolina resident.

Shan-Khan: The reason we also suggested that change is that apparently South Carolina calculates points on a driver's license differently than North Carolina. CMPD suggested we require a North Carolina license because you can then look at the North Carolina driving history and say that is the number of points this person has. If they are a habitual traffic violator, they shouldn't get a permit for example. We are happy to modify at the Committee's request.

Barnes: I think it makes sense to have the driver have a North Carolina license before getting the permit, but I heard an exhale from my left when he said it and I'm wondering if there is some information that our PVH Board Member might want to share.

Cannon: I think it would be good to get a handle, and I'm thinking more about the black car industry right now than the cab industry, but I would really like to know if we could get a better understanding about the number of drivers that might reside in South Carolina, compared to the overall doing business in the City of Charlotte. We could still allow proceeding in the direction we are trying to go by way of incorporating South Carolina and still working through the legalities that are different from what we have in North Carolina. We do refer to ourselves as

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“The Carolinas” often, but I think we ought to leave that open for consideration and I think that is what I’m about to hear.

Tom Holden: There are a lot of drivers that are registered with PVH and chauffeurs in the City that live just outside of the North Carolina line. It is impossible for them to obtain a North Carolina driver’s license while having a residence in South Carolina. It is a huge impact to our company and affects enough people that you could displace many out of employment.

(Councilmember Kinsey arrived)

Barnes: Would it be reasonable in analyzing the driving records of the out-of-state drivers to take a look at the charges themselves? There are some extreme oddities between North Carolina and South Carolina in some matters of law. What I’m asking is, for example, if you see a DWI, a moving violation or reckless driving charges, even though the penalty may be different here as opposed to South Carolina that they charge and while the elements may be different, the charge itself is still one that we recognize in this State. The point is that I think even if we are not analyzing the number of points, the charges themselves could give us some indication of whether the driver is a potential risk.

Shah-Khan: You are absolutely correct. We can analyze that and in fact the definition that we’ve put out there for habitual violators of traffic laws does also note not just points, but whether or not there are six convictions of any type of traffic or moving offense within a ten-year period. With that definition in hand, it does make it easier for us to look at South Carolina records or any other state and say well, you’ve had this and this appears to be a traffic or moving offense and if they disagree or if an applicant is denied they are always free to appeal back to the PVH Board.

Dulin: Just one clarification. Does this say six violations?

Shah-Khan: Yes sir. We have proposed, and it is on page 4 of the draft, that a habitual violator of traffic laws is anyone who has either 8 points on their license within a three-year period, which would be for North Carolina, or 6 convictions of any type of traffic or moving offense within a ten-year period. That gives us the ability to look at both, what their points are in North Carolina and also what types of offense they have in the last ten years because they could be in different states.

Captain Hummel: We talked extensively about both issues, but if we do end up going with North Carolina and South Carolina, what we would like to see is that the points would be assessed as in North Carolina versus how they are assessed in South Carolina. I think we could do that. The other issue that came up was we have a new system called CJ Leads, which is a North Carolina system and in the ordinance it had stated that if a driver gets any kind of violation or arrested they are to report it within 24 hours. That has not been happening. Using CJ leads this is kind of how we got back around to the North Carolina system, the inspectors have access to that now and they can enter in a watch list for themselves and if someone gets a ticket or gets arrested or any of those kinds of things happen they are notified within three or four days, but only if that person has a North Carolina driver’s license, etc. That is how we got back around to asking for just North Carolina licenses, not that it has to stay that way, but I wanted you guys to

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have a little bit of background and it wasn't just we think everyone should have a North Carolina driver's license. There was some thought put into why we came back around to it being just North Carolina.

Cannon: Thank you for that. There seems to be some consensus around the table among Committee members that we ought to open it back and allow South Carolina to get audited.

Dulin: That makes sense.

Shah-Khan: We'll make sure we make that change in the next revision.

Cannon: Ms. Kinsey are you okay with that?

Kinsey: For right now.

Barnes: What would be the language and where would we plug South Carolina into the ordinance?

Shah-Khan: It would be in Section 22-31, right now 22-31(t) is where we've made the change. In the draft it is page 14. Originally, it said a valid driver's license and that is where we added North Carolina, so we could say North Carolina and/or South Carolina since that is what the Committee wants.

Barnes: On page 40, regarding the additional Violator Traffic Laws, how did you arrive at 8 points?

Shah-Khan: That was discussions between CMPD, the Police Attorney's Office and my office. We all agreed that 8 points seems to be a good barometer of someone who is a habitual violator as opposed to someone who just had a bad day and got a speeding ticket. That was at the recommendation of CMPD.

Hummel: It is kind of three or four major things that occurred or a bunch of little ones and if you are getting a bunch of little ones you don't need to be out there driving.

Barnes: What is the history of any traffic violations by drivers over the last ten years?

Hummel: Are you asking can we research what has happened prior? No, because of the record keeping there is no way we could tell that.

Barnes: Do you have any general knowledge about the issue of violations by prior drivers?

Hummel: We know of one driver in particular that had 17 tickets in a year. That was parking, speeding, and all types of different violations.

Barnes: We don't know of there being a slew of problems in Charlotte with cab drivers and black car drivers speeding?

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Hummel: We don't know about that because we haven't been able to keep track of it.

Shah-Khan: The current application or a driver's permit does say they shouldn't have more than 8 points. That is part of where the 8 points come from. I can't recall a situation where a driver was denied for that level, although that may be something that will happen in the future.

Barnes: I asked the question because I always like to make sure we are not over analyzing or over regulating a particular issue. I would be surprised if we had a slew of violations on a regular basis. I think everybody speeds sometimes.

Dulin: How many points do you get for a speeding ticket?

Hummel: It depends on the speed.

Cannon: Regarding #1, Taxi Staging at Hotels - I know from the last meeting we discussed that if was in the legal realm of hotels striking any kind of deals they choose to do so with any entity that they desire in transportation service. In this case, it is the black car industry. We've been sitting on this and I want us to make sure that we are not forgetting that the cab companies still need a place to stage. It doesn't have to be on the property itself, but where it is appropriate and where there would be some level of ability to get to customers that might be residing in the hotel. We need to make sure we are creating a level playing field. We ought to be operating like other major municipalities and we are not operating like other major municipalities. That needs to be discussed with the appropriate departments like CMPD, CDOT, the Attorney's office, and the City Manager's office. There is no reason that on College Street by The Westin that you can't have some type of rotation going on somewhere at a certain hour during the day. There might be other locations as well, but having that one particular staging site or a staging site by the Chamber which is at South Tryon Street.

Shah-Khan: Just so the rest of the Committee is aware, there are approximately 19 taxi stands set up and that is done through Passenger Vehicle for Hire Manager's office and CDOT and that of course is an issue that CDOT, the Manager's Office, CMPD and our office can work on making sure that the locations are correct and that they provide what you are looking for. That is something that we can all work towards.

Barnes: I think it is important to give the public an option when they walk out of the hotel. People perceive that the black car's as more expensive when they are not. I wanted to ask a question of the Chair about the PVH Board. I had made a statement a couple meetings ago about having someone from that Board here. Have we had a visit from the Chair yet?

Campbell: I was going to respond to Mr. Barnes' question. I actually visited PHV at the end of the month and I've actually been there twice. The Chair is available to come if requested. He wasn't sure that the Committee wanted to hear from him specifically today, but he will make himself available, so if the Committee desires to have him come and talk to you, he will be glad to do it.

Dulin: Who appoints him?

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Campbell: The PVH Board is appointed by the Mayor, City Manager and Council.

Barnes: How many appointments does each of those entities make?

Shah-Khan: It 5 for Council, 3 for the Mayor, and 3 for the City Manager.

Barnes: Who appoints the Chair?

Campbell: The Chair is appointed by the Mayor.

Cannon: We have been receiving the PVH Board's information and have taken into consideration several things. We very much appreciate the work they are trying to do. Relative to the structure of the Board, it is going to be important that there is proper balance on the Board. It is my hope that we can talk to the full Council at some point about what that representation might look like. Should there be somebody there from the CRVA for instance? Should there be representation from black car industry and cab industry? I know from the cab industry that they are requesting to have three positions on that Board. We've got to look at that and see if it makes sense and make sure we have the proper balance. I'm going to need some level of input about what you all think and how that is being constructed. It is probably not at this meeting because of the time.

Dulin: Why isn't the PVH Manager attending these?

Campbell: Major Gallant and Captain Hummel supervise the PVH Manager and they have been here representing the PVH Manager's office.

Dulin: Every other committee I go to, there is 8 staff members sitting around in the chairs. Is he not showing up because he is on the hot seat? I would like to know why he is not here, this is his business. Anyway, it surprises me that there are 19 stands or taxi staging area, particularly with our guests coming in September of 2012 and we've got between now and then to get these areas slicked up. The guests coming to this town certainly are going to be looking for efficient, close by transportation everywhere they go. Regarding the no smoking in the cab, I concur. Most of these guys own their cabs and they are not going to let people smoke in their office, their home, or their living room. I understand we can't regulate that. The out-of-state permits, we've gone through that. The terrorism check that seems a little intrusive to me but it is 2011 and a different day. I also concur with the drug testing.

Barnes: I also think that terrorism checks are appropriate to the extent you can do it in an organization. Regarding the issue of the PVH management and members of the Board appearing here, in my opinion, it is somewhat like the situation we had with the Budget Committee, with CRVA, CCCP, Arts and Science Council and Charlotte Regional Partnership and when those people were on our agenda, they showed up. It was the people who are in charge of the bodies who came here and wanted to partner with us and talk to us. That is why I think it is important that they be here. They need to hear from us and we need an opportunity to hear from them in the event they disagree with some of the things that we are saying or asking.

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Dulin: You get the feeling that he is too busy to come down here or he is hiding.

Barnes: I wanted to talk about the issue of vehicle ages and such, and I recognize that is in the ordinance, but before we leave I would like an opportunity to talk about that.

Kinsey: I want to go back to taxi staging. I remember from other meetings that not all Uptown hotels stage black cars. Is that true or not? If that is true, then my question is do they allow taxi staging at those hotels?

Campbell: True.

Cannon: If those companies wanted to strike some sort of option with the hotel they deserve that right. I think staff could take a look at staging areas.

Barnes: I intended to mention something else about dispatch issues and we've talked about this before. The number 704-444-4444 is on a number of different types of cabs. Someone mentioned the idea of calling that number and thinking that you are calling Green Cab and Royal Cab shows up or Yellow Cab shows up. There needs to be some consistency for the public. I think that is sort of problematic so I wanted to hear from staff regarding this issue of labeling because it seems that several companies have deviated and use that phone number.

Shan-Khan: You are actually correct and in fact I believe Secret Shopper revealed the Royal and King, which both companies are owned by the same folks, and they handle dispatch. I believe there are other companies, I think Taxi USA has dispatch for three different companies and others are similar. We did intend to have a revision that would deal with that type of situation. We did not have an opportunity to include it in this revision, but we will try to make sure that we have something, if we are able to find something that is workable, we will have it in the next draft. We do recognize that is an issue.

Dulin: I have not called that number. Is that dispatch in Charlotte?

Shan-Khan: My understanding is that the dispatch for Taxi USA is handled out of Utah.

Cannon: There doesn't seem to be a problem with dispatch regardless of location. I think the issue is what Mr. Barnes talked about in the way of example early on and that is keeping it uniform and what you expect and what you get.

Dulin: About the uniformity and calling King and Royal showing up. This is interesting for the taxi folks in the room. Business people come into Charlotte and want to know who they are doing business with when they call somebody. I think that is very important.

Cannon: There have been questions about appropriate civil penalties, definition of different words, etc. I would like to get that information to full staff and the Committee as to what some of those issues are and get a full report back on each one of those that were pointed out. I have a question regarding the drug testing. This is supposed to be for the driver, correct?

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Shan-Khan: That is correct.

Cannon: Does that include the owners of the company?

Shan-Khan: No, it does not because the prior system that had been set up did not require drug testing for the vehicle owners or the company owners. That is something that if you wish to pursue we could try to put in place because we could create a requirement that there be drug testing of the company owners and other individuals. One of the reasons why we have drug testing for the drivers is because they are the ones driving the customers and interacting with them every day. In most cases you are not going to have any interaction with the company owners, but if the Committee would like us to put together something that says company owners, company managers and vehicle owners are to all be tested on a periodic basis, we can do that. Clearly, there is more of a connection between having the drivers drug tested since they are driving our customers, they are driving our citizens, they are on our streets and potentially, if you have someone who is impaired by any drug, they are the ones who are potentially dangerous to our citizens.

Cannon: An owner can still drive the car. If that is the case, then they ought to be tested as well. I would think that is just as important as the driver having to go through that process. I don't know if that is out of order, but if it is we can have that discussion.

Barnes: I wonder if I would be more comfortable with saying the folks who operate vehicles should be tested. I actually have some concern about requiring that the owners be tested. I don't know any taxi cab owners but I can imagine that there may be a few who sit in the back of the office and work on things all day and never get into a taxi. To put them through that burden, it is almost an imposition. It concerns me to say that someone who owns the cab company has to be tested also, even if you don't drive the taxi.

Cannon: I thought that I was conveying that if that person has the ability by way of a permit, by way of a license to operate a vehicle, it might be a cab or it might be a black car, they ought to be tested. That is what was meant. If there is an opportunity for anyone who may operate a vehicle they should also be tested.

Hummel: We agree and the testing is done on drivers every year. We want to do random testing throughout the year because you know when your testing is coming up and you know when your renewal is coming up because it is on your birthday every year. If an owner is also a driver, you have to have a driver's permit so they would be subject to the same rules already.

Shan-Khan: I would want to note from the random test perspective of drivers we believe there are some legal issues that cannot be overcome. It is easier for us to require random of our employees in safety sensitive positions, but for the drivers that don't work for us, it is a little more difficult to say we will randomly test you.

Barnes: Regarding the issue of random testing, which I like, is there a mechanism by which we could get the drivers to agree or consent to the City's ability to randomly test them. We just

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heard that it is their birth date and whatever people need to do to clean up around that time they will do, and then the day after they are right back at it. Is there a way to get them to consent to allow random testing?

Shan-Khan: We can explore that, but then again there is no collective bargaining with the drivers. We work with the drivers as individuals. A driver could say, "yes I agree to be tested and will present these results to you at any time," but in all candor we don't deal with the drivers as collective groups. We work with each one individually because they all have permits, all 1,200 drivers, not just taxi drivers.

Cannon: Were there any questions regarding the Teamsters?

Campbell: The only request that I have heard was at the last meeting, and there were questions about the organizational structure and Mr. Shan-Khan did send an e-mail out requesting information to come back and as a result of that e-mail Mr. Russell asked for an opportunity to come in and speak with the Committee to address any questions the Committee may have or a subsequent meeting after the Committee meeting.

Cannon: The Committee can speak with him after the meeting or at a different time. The life of the vehicles was an issue that I know we've all been dealing with. I think the current ordinance suggests that they are on the same life cycle. Is that correct?

Shan-Khan: That is correct. It is 10 years currently and it is for all vehicles. The proposed is 6 with a grace period and we've modified the grace period so if the car is in service at the time of the switch over it can be operated until it is 10 years old because it was already in service. We heard the comments from the Committee and made that change, but it applies to all vehicles except for unique vehicles.

Cannon: Define unique vehicles for us.

Shan-Khan: A unique vehicle is a vehicle in the judgment of the PVH Manager that is "unique." For example, the Bat Mobile would be perhaps a unique vehicle. A Hummer would be less than unique. If it were a stretch Hummer, depending on how it is stretched or what it is like, that might be a unique vehicle. That is a decision that is made by the PVH Manager because when a term is undefined the law gives broad difference to who administers and enforces the ordinance to say this is or isn't unique.

Cannon: I wanted to ask the staff to look at distinguishing the two different industries in the way of the life cycle or the age of the vehicle because they are separate in terms of product line and in some way service. Relative to the use, does it mean that instead of 6 or 7 or 8 years for black cars. I want to get my arms around that because there are different costs associated with buying vehicles as well. I don't know if you all took that into account as you went back and looked at the age requirements. I would like for us to be able to take a look at that.

Shan-Khan: We did not take that into account and the reason being is that when this ordinance was initially enacted in 2000 the age limit was 7 years for all vehicles. Council, in 2005, moved

Community Safety Committee

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that to 10 years and now we have proposed 6 due to some comments we've heard. Our understanding was that it has always been looked at as "a vehicle is a vehicle, is a vehicle."

Cannon: I am just wondering if all fits all.

Barnes: I had some concerns around Section 22-287 (a) (4) (Page 66) and the unique vehicle piece. One of the issues is the PVH Manager is permitted to waive the age limit. I think there should be some cap on the age limit of any vehicle that is used for public transportation. I don't know if we should say he is permitted to waive it as long as the vehicle is no older than X, but for some reason I think there should be some age limit. Regarding provision (1) the new language that a vehicle that is not ten years old as of July 1, 2012 shall be allowed to be in use until it is ten years old is an issue that resonated with me in part because it is something we talked about regarding the Airport and the feedback we received from staff indicated that a taxi after six years is junk. I suppose that is not true all the time but the indication we received was that at about six years old they have pretty much reached the end of their usefulness. What we are now doing is saying that you can keep vehicles until they are ten years old if they are not ten years old as of July 1, 2012. I think we need to move this on to the full Council soon and I don't want to create anything that will delay it. I think there should be a one year provision or allowance for a year to get a vehicle that is under six years old as opposed to allowing a vehicle to be in service until it is ten years old as of July 1, 2012.

Cannon: Could we can an opinion on that from staff?

Campbell: Just clarification to your point, you are saying a one-year grace period rather than grandfathering a vehicle?

Barnes: Yes.

Dulin: What is the difference?

Barnes: The difference would be that by July 1, 2013 you have to have a new taxi if it was older than six years as of July 1, 2012, as opposed to being able to keep it until 2016.

Dulin: Would PVH monitor that or will we rely on the companies to monitor it themselves?

Shan-Khan: Every vehicle is registered and has to have a vehicle operating permit or it can't be used so there are records that will show the age of that vehicle. Once they reach the magic number they will not be given a new permit and it will have to be taken out of service. Whatever the Committee decides the magic age is.

Cannon: On the side of technology, I think we got into it at the last meeting, the issue with regards to the debit/credit card machine and trying to explore technology that would allow when the automobile is turned on that the credit card machine comes on and doesn't go off until the engine is turned off. I still don't know what is out there regarding that. There are a couple companies that I did find, but I haven't had the opportunity to reach out to them. Creative Mobile Technology is one and the other is Berifone. I think they are doing business with the

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City of Boston and I'd appreciate staff checking into those.

Barnes: The last time we talked about this issue I indicated to you that while I don't know the cost of the machine and their services, I would be open to actually writing it into the civil penalty piece of this ordinance to say that the machine is operable at all times the vehicle is in use and if it is not then there is a penalty of X. Let's say they cost \$1,000 and you are going to spend \$1,000 to install this interlock type of device in a taxi, so then we say that anytime you are operating that cab and somebody gets in with a card to use, if that machine is broken, one they don't have to pay you and two, you are subject to a penalty of X. That way I will guarantee you those machines will always be working.

Cannon: I say we explore putting that in.

Dulin: I think that is a little bit too penal to say they don't have to pay. I'm for credit cards in the cabs and I'm for the cabs having GPS, so they don't get lost between the Airport and the Government Center.

Cannon: Councilmember Dulin, surprisingly when Boston went to this idea of having the debit/credit card inside the cars, 1/3 of all the cabs transactions were made by credit card machine and what happened was that the cab company saw business increase, largely in part because of the convenience. They don't have cash in their pockets these days, they have the card. Business actually went up 15% with Top Cab and City Cab in Boston.

Barnes: We are narrowing down on these issues and I believe there are just 3 or 4 issues before we could move this to the full Council. Regarding what I said a few moments ago about the operability of the credit card machine, what I was proposing was language in the ordinance that would essentially say that if the machines are not working, that the cab company would be subject to a penalty and I mentioned not having the customer pay, and that would be a sticker in the back of the vehicle. The point is that having the card machines in the back of the vehicles is actually good for business.

Cannon: Another thing, it is my thought by way of research and conversation that we will not have enough black cars here to potentially service the number of people that are coming for the DNC and rather than be short, we need to make sure that the permitting process and making sure that companies that come in to partner up with some that are already here are ready and have the ability to do that. I think the City Manager holds the ability to extend the ability of operators and companies to enjoy that. That doesn't necessarily have to happen with the PVH. The PVH folks wanted it initially, but that is not how it is as I understand it. If I'm wrong would somebody clarify that for us?

Shan-Khan: It works for both. The PVH Manager works with the authority granted to them by the City Manager to have the ability to do this. What happens is there is an ability to affiliate our current companies with other companies who are outside of Charlotte and bring them in and they receive special temporary permits. That ability is there and the Manager's Office has to provide that to the PVH Manager, which would probably be the most logical place, which is what the ordinance contemplates. The Manager would say for this period of time the PVH Manager has

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the authority to grant these temporary permits. We've actually done that with the NRA Convention last year and have done that on several occasions, so it is a process we've done and are used to.

Cannon: I think the idea is to have some of them bigger in scope, not smaller in scope. I would ask you to have a conversation with that industry to make sure we are capturing all that needs capturing. The last thing, are there any environmental green initiatives that we have? I don't think there is anything in the current ordinance right now.

Shan-Khan: Not in the current ordinance and if the Committee wishes us to put something in some other way like the way we handle accessible vehicles we can do that.

Cannon: I think something to the extent that it might be incentivized but is not mandatory would be good.

Shan-Khan: Is there a particular initiative members of the Committee would like for us to explore? It would be similar to the equivalent of the vehicles or anything like that. That is the model we currently have that we could use.

Cannon: I would say bring back some options.

Campbell: You would basically want to focus on the environmentally friendly vehicles.

Cannon: That doesn't necessarily mean a green car. Thank you, staff for all your hard work on this. Our next meeting will be Thursday, June 2 at noon.

The meeting was adjourned at 1:40 p.m.

Community Safety Committee
Wednesday, May 18, 2011; 12:00 – 1:30 pm
Room 280

Committee Members: Patrick Cannon, Chair
Patsy Kinsey, Vice Chair
Michael Barnes
Andy Dulin
Edwin Peacock

Staff Resource: Eric D. Campbell

AGENDA

I. Passenger Vehicle for Hire Ordinance

Staff Resource: Mujeeb Shah-khan

Staff will continue to review and discuss proposed revisions to the City's Passenger Vehicle for Hire Ordinance (Chapter 22). No decisions are requested at this meeting.

Attachment: 1. Summary of Changes.pdf
2. Draft PVH Ordinance.pdf

Next Scheduled Meeting: Thursday, June 2 at noon in Room 280

Distribution: Mayor/City Council
Mac McCarley
Jon Hannan

Curt Walton, City Manager
Stephanie Kelly
Jerry Orr

Leadership Team
Rodney Monroe
Leila Lahbabi

**CITY OF CHARLOTTE
OFFICE OF THE CITY ATTORNEY**

Memorandum

TO: Community Safety Committee

FROM: S. Mujeeb Shah-Khan, Senior Assistant City Attorney

DATE: May 13, 2011

RE: Summary of Modifications to Draft Revisions to Passenger Vehicle for Hire Ordinance (Chapter 22 of the City Code)

The Committee is being asked to consider the second draft of revisions to the Passenger Vehicle for Hire Ordinance. I wanted to summarize the changes from the draft you considered at your April 20, 2011 meeting. Also enclosed for your reference is the memorandum summarizing the April 2011 draft.

I. Changes to Definitions

A. Habitual violator of traffic laws – Current ordinance uses the term, but does not provide a definition. New definition allows for a standard to use in determining if an applicant is a habitual violator of traffic laws.

B. Habitual user of alcoholic beverages – Current ordinance uses the term, but does not provide a definition. New definition allows for a standard to use in determining if an applicant is a habitual user of alcoholic beverages.

II. General Changes

A. Sections 22-64(a)(1), 22-104(a)(1), 22-142(a)(1) – Requires applicants to provide all legal names that the applicant has ever used, or any names they have gone by. Concerns have been raised that drivers, company and vehicle owners have changed names which makes it harder to determine criminal backgrounds of applicants.

III. Vehicle Operating Permit Changes

A. Section 22-108 – Requires that at renewal time for permits that applicants allow Passenger Vehicle for Hire Manager to conduct a criminal records check, and that no application for renewal shall be considered until the records check is complete.

IV. Driver's Permit Changes

A. Section 22-144 – Requires drivers to complete driver training course before they can receive their driver's permit. Also removes reference to probationary permits for drivers.

B. Section 22-146 – Removes reference to probationary permits for drivers.

C. Section 22-152 – Now requires that at renewal time for driver's permits that applicants allow Passenger Vehicle for Hire Manager to conduct a criminal records check, and that no application for renewal shall be considered until the records check is complete.

V. Vehicle Specifications

A. Section 22-287(a)(1) – Modifies grace period under proposed age limit so that any vehicle under ten years of age can be operated until the vehicle is ten years old. Allows owners to not have to replace vehicles that are under ten years old at the time the change is effective.

If you have any questions concerning the draft revisions, please do not hesitate to contact me. I can be reached by phone (704/336-5803) or by e-mail (mshah-khan@charlottenc.gov).

Enclosure

cc: Mr. Eric D. Campbell/Assistant City Manager (w/enc.)
DeWitt F. McCarley, Esq./City Attorney (w/enc.)
Major Doug Gallant/CMPD (w/enc.)
Captain Michelle Hummel/CMPD (w/enc.)
Mr. Burhan Al-Shaikh/Passenger Vehicle for Hire Manager (w/enc.)
Mr. Jonathan Fine/Chair, Passenger Vehicle for Hire Board (w/enc.)
Thomas E. Powers III, Esq./Assistant City Attorney (w/enc.)
Tracey Evans, Esq./Assistant City Attorney – Police (w/enc.)

CITY OF CHARLOTTE
OFFICE OF THE CITY ATTORNEY

Memorandum

TO: Community Safety Committee

FROM: S. Mujeeb Shah-Khan, Senior Assistant City Attorney

DATE: April 15, 2011

RE: Summary of Draft Revisions to Passenger Vehicle for Hire Ordinance (Chapter 22 of the City Code)

As the Committee is being asked to consider revisions to the Passenger Vehicle for Hire Ordinance, I wanted to summarize the major revisions in the draft that Staff is presenting for consideration.

I. Changes to Definitions

- A. Accessible Vehicles – Current ordinance does not allow for side loading accessible vehicles. This may allow additional vehicles to be added to company fleets.
- B. Foreign – Term is used in ordinance to describe out of town companies. Definition further clarifies the term.
- C. Independent Owner-Driver – Term is not used anywhere in Chapter 22.
- D. Operate, operating, or operated – New definition to clarify that a vehicle can be operated for personal purposes so long as non-family passengers are not transported.
- E. Prearrangement – Definition clarified to specify what is required to successfully demonstrate that a trip is prearranged, as well as preventing “cruising” by limousines or black cars.

II. General Changes

- A. Section 22-31(d) – Prevents drivers from smoking at any time in a passenger vehicle for hire while operating the vehicle. Current ordinance allows smoking so long as no passengers are in the vehicle.

B. Section 22-31(t) – Requires drivers to possess a North Carolina Drivers' License within seven days of applying for a driver's permit. Currently, drivers are required to have a driver's license, but the state issuing the license is not specified.

C. Section 22-33(e) – Mandates that if civil penalties are not paid within 60 days, driver's permit, company operating certificate, or vehicle permit of the party owing the penalty will be suspended or revoked.

D. Section 22-62(c) – Removes requirement for applicants to certify that they are not currently in bankruptcy or have been in bankruptcy during the past seven years. Change prevents discrimination based on bankruptcy status, which is prohibited by federal law.

E. Sections 22-64(a)(6)(b), 22-66(2)(b), 22-104(a)(5)(b) – Allows for dispatch of taxis with devices other than radios, but not cell phones, and requires all cab companies to use a dispatch system.

III. Company Operating Certificate Changes

A. Section 22-66(1) – Clarifies that criminal arrests (even if the case has not been resolved) may be used in review of company operating certificate applications.

B. Section 22-68 – Requires criminal records checks of company owners and managers every year.

C. Sections 22-71 and 22-72 – Clarifies that appeals can be made from denial of company operating certificate applications.

IV. Vehicle Operating Permit Changes

A. Section 22-106(a)(2) – Clarifies that criminal arrests (even if the case has not been resolved) may be used in review of vehicle operating permit application.

B. Section 22-112 – Clarifies that appeals can be made from denial of vehicle operating permit applications.

V. Driver's Permit Changes

A. Section 22-143(a)(7) – Requires driver's permit applicant to possess a North Carolina Driver's License within seven days of applying for a driver's permit.

B. Section 22-143(a)(10) – Requires drug test every year for drivers from facilities approved by the City.

C. Section 22-145(a)(2)(a) – Clarifies when felonies can be used in review of application for driver's permit.

D. Section 22-145(b)(9) – New language clarifies that if a felon has not had their citizenship rights restored, it will result in the denial of a driver’s permit application.

E. Section 22-145(c) - Clarification made so that DWI arrests may be considered regardless.

F. Section 22-146 – Removes probationary permits for drivers awaiting results of fingerprint check. Prevents having drivers with undisclosed criminal records from driving for any period of time while awaiting results.

G. Section 22-152 – Prevents a driver who has outstanding civil penalties from renewing their permit until they pay all penalties.

VI. Vehicle Specifications

A. Section 22-287 – Changes age limit of all passenger vehicles for hire vehicles from ten years to six years beginning July 1, 2012, while allowing a grace period. The grace period will allow owners to not have to replace vehicles that are between six and ten years old at the time the change is effective. Prior age limit was seven years before change to ten years.

B. Section 22-288(2) – Since North Carolina no longer has state safety vehicle inspection stickers, requires a copy of the inspection to be in the vehicle at all times.

C. Section 22-288(5)(pp) – Requires backseat credit card device for payment.

D. Section 22-290(b) – As North Carolina law now restricts the use of license plate frames, it is appropriate to eliminate the requirement for frames.

VII. Miscellaneous

A. Section 22-213(c) – Requires vehicle owner to notify City if insurance is cancelled or modified. Currently, only insurance company is required to notify the passenger vehicle for hire manager.

If you have any questions concerning the draft revisions, please do not hesitate to contact me. I can be reached by phone (704/336-5803) or by e-mail (mshah-khan@charlottenc.gov).

cc: Mr. Eric D. Campbell/Assistant City Manager
DeWitt F. McCarley, Esq./City Attorney
Major Doug Gallant/CMPD
Captain Michelle Hummel/CMPD
Mr. Burhan Al-Shaikh/Passenger Vehicle for Hire Manager
Mr. Jonathan Fine/Chair, Passenger Vehicle for Hire Board
Thomas E. Powers III, Esq./Assistant City Attorney
Tracey Evans, EsqX./Assistant City Attorney – Police

**DRAFT REVISIONS TO PASSENGER VEHICLE FOR HIRE ORDINANCE
CHAPTER 22 OF THE CITY CODE
MAY 18, 2011 SECOND DRAFT**

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 23rd, 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.

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.

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), 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 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.

(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.

(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.

(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.

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.

(t)

No driver shall operate a passenger vehicle for hire within the city without a valid [North 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 50.00Class 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.

(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 owned, maintained and operated by the company operating certificate holder. 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 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 that all advertised services will, in fact, be provided;

- 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.
- (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. 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. **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. 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.

(b)

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. *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.

(c)

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 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 submitting an initial application for a driver's permit, and prior to 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.

(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:

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 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.

- f. Any violation of a federal, state or local law designed for the protection of life;
 - g. Any criminal assault involving the operation of a passenger vehicle for hire;
 - h. Any sex offense or offense involving moral turpitude;
 - i. Any of the offenses contained in subsection 22-145(b); and/or
- (2) 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;
 - (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.

(bc)

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.

(d)

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.

(e)

All members of the passenger vehicle for hire board shall serve without compensation.

(f)

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.

(g)

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 being operated in the city under company operating certificates for taxicabs, and, upon determining the number of accessible vehicles needed in the city to accommodate the needs of individuals with disabilities, 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 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.

(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.

(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 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.

(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 1st, ~~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~~-six years, **except for those vehicles that were in service and were less than ten years in age as of July 1, 2012. For those vehicles that are less than ten years of age as of July 1, 2012, the owner of the vehicle is permitted to keep that vehicle in service until it is ten years of age, but must take the vehicle out of service once it reaches ten years of age;**

(2)

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

(3)

Once the vehicle exceeds ~~ten~~-six years in age, it shall be removed immediately from passenger vehicle for hire service **except as provided in Section 22-287(a)(1) above;** 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.

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

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

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:

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.

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.

(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.

(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.

(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)