

TITLE XI: BUSINESS REGULATIONS

Chapter

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CHAPTER 110: GENERAL LICENSE TAXING

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§ 110.01 DEFINITIONS.

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

BUSINESS. Any trade, occupation, profession, business, franchise or calling of any kind, subject by the provisions of this chapter to a license tax.

ENGAGED IN BUSINESS WITHIN THIS TOWN. A person is engaged in business within the town when he or she engages in business activity of any type, either as owner or operator of a business, by maintaining a business location within the town, by soliciting business within the town or by picking up or delivering merchandise or performing services within the town.

PERSON. Includes any individual, trustee, executor, other fiduciary, corporation, association, partnerships company, firm or other legal entity or agent thereof.

SEASONAL IN NATURE. A business is seasonal in nature when it is taxed by this chapter on an annual basis, but is operated within the town for less than six months of the year. ("77 Code, § 2-4011) (Ord. 57, passed 5-24-82; Am. Ord. 180, passed 4-26-93)

§ 110.02 TAX LEVIED.

A license tax is hereby levied on the privilege of engaging in every business within this town which is listed in the schedule of taxes contained in § 110.13. Any person so engaged in business shall be responsible for making certain that the applicable license tax is paid.

('77 Code, § 2-4012) (Ord. 57, passed 5-24-82; Am Ord. 180, passed 4-26-93) Penalty, see § 10.99

§ 110.03 TAX COLLECTOR; POWERS AND DUTIES.

(A) The Tax Collector is hereby designated as the proper town official to collect license taxes and to issue privilege licenses.

(B) The Tax Collector shall make any investigation necessary to determine the tax liability of persons engaged in business within the town. If necessary, the Tax Collector is authorized to enter upon the premises of any business during normal business hours for the purpose of determining whether this chapter has been complied with.

('77 Code, § 2-4013) (Ord. 57, passed 5-24-82; Am. Ord. 180, passed 4-26-93)

§ 110.04 DURATION OF LICENSE; DUE DATE.

(A) Unless otherwise provided in the schedule of taxes in § 110.13, each privilege license issued shall cover the 12-month period beginning July 1 of each calendar year and ending June 30, the subsequent calendar year.

(B) The privilege license tax is due on July 1 of each year. If, however, a person began business after July 1, the tax for that year must be paid before the business is begun.

('77 Code, § 2-4014) (Ord. 57, passed 5-24-82; Am. Ord. 180, passed 4-26-93)

§ 110.05 APPLICATIONS AND CONTENTS.

Every person desiring to obtain a license for the privilege of engaging in a business within this town shall make application therefore writing to the Tax Collector. The application, made on a form provided by the Tax Collector, shall contain the following information:

(A) Name and nature of the business for which the license is sought;

(B) The address where the business is conducted, and a mailing address for the business, if different;

(C) The name and address of the person filling out the application, and his or her relationship to the business;

(D) The gross receipts of the business for the most recently completed tax year, if applicable; and

(E) Any other information which the Tax Collector determines to be necessary.
(‘77 Code, § 2-4015) (Ord. 57, passed 5-24-82; Am. Ord. 180, passed 4-26-93)

§ 110.06 PRORATION OF TAX; SEASONAL BUSINESSES.

(A) Except when a tax is based on receipts, if a business is begun after January 1, but before July 1, the tax shall be half the amount otherwise due.

(B) Except when a tax is based on receipts, a person engaged in a business which is seasonal in nature is liable for half the amount of tax otherwise due.
(‘77 Code, § 2-4016) (Ord. 57, passed 5-24-82; Am. Ord. 180, passed 4-26-93)

§ 110.07 MULTIPLE BUSINESSES; SEPARATE PLACES.

(A) If a person is engaged in more than one business made subject to a license tax under this chapter, the person shall pay the license tax prescribed in the tax schedule in § 110.13 of this chapter for each business, even if the businesses are conducted at the same business location.

(B) Unless otherwise provided by state law or by the tax schedule in § 110.13, if a person engages in a business in two or more separate places, a separate license tax shall be required for each place of business. For purposes of this section, if a person engages in the same business at two or more locations within the town, which locations are contiguous, communicate with and open directly into each other, and are operated as a unit, the person is liable for only one license tax.
(‘77 Code, § 2-4017) (Ord. 57, passed 5-24-82; Am. Ord. 180, passed 4-26-93)

§ 110.08 DISPLAY OF LICENSE.

Each person issued a license under this chapter shall post the license in a conspicuous place in his or her regular place of business. If there is no regular place of business, the license shall be kept where it may be inspected at appropriate times by the town's Tax Collector. If a machine or other item of personal property is licensed, the license shall be affixed to the machine or item.
(‘77 Code, § 2-4018) (Ord. 57, passed 5-24-82; Am. Ord. 180, passed 4-26-93) Penalty, see § 10.99

§ 110.09 CHANGE IN PLACE OF BUSINESS; NO ABATEMENT.

(A) If a person who has obtained a license for a business taxed under this chapter desires to move from one business location to another within the town, the license which has been issued shall be valid for the remainder of the license year at this new location, and no additional tax need be paid. Within a reasonable time after the change in location, however, the person shall inform the Tax Collector of the change in address. (‘77 Code, § 2-4019)

(B) If a licensee discontinues a business before the end of the period for which the license was issued, the license tax shall not be abated nor shall a refund of any part of the license tax be made. (‘77 Code, § 2-4020)
(Ord. 57, passed 5-24-82; Am. Ord. 180, passed 4-26-93) Penalty, see § 10.99

§ 110.10 ADDITIONAL LICENSES; EXEMPTIONS.

(A) The issuance of a license under this chapter does not authorize the carrying on of a business for which additional licenses or qualifications are required by state or local law, nor does the issuance of a license prevent the town from enacting additional regulations applicable to the licensee. ('77 Code, § 2-4021)

(B) Any person who engages in business within this town for religious, educational or charitable purposes shall be exempt from paying any privilege license tax levied by this chapter. ('77 Code, § 2-4022) (Ord. 57, passed 5-24-82; Am. Ord. 180, passed 4-26-93)

§ 110.11 CONDUCTING A BUSINESS WITHOUT A LICENSE PROHIBITED.

(A) It shall be unlawful for any person to engage in a business within this town upon which a privilege license tax is imposed by this chapter, without having paid the license tax specified in § 110.13.

(B) The town may seek an injunction against any person engaging in business in violation of this section.

(C) A conviction under this section does not relieve a person of his or her liability for the license tax or taxes imposed by this chapter. ('77 Code, § 2-4023) (Ord. 57, passed 5-24-82; Am. Ord. 180, passed 4-26-93) Penalty, see § 10.99

§ 110.12 COLLECTION OF UNPAID TAX.

(A) If a person begins or continues to engage in a business taxed under this chapter without payment of the required privilege license tax, the Tax Collector may use either of the following methods to collect the unpaid tax:

(1) The remedy of levy and sale or attachment and garnishment, in accordance with G.S. § 160A-207; or

(2) The remedy of levy and sale of real and personal property of the taxpayer, in accordance with G.S. § 105-109(d).

(B) Any person who begins or continues to engage in a business taxed under this chapter without payment of the tax is liable for an additional tax of 5% of the original tax due for each 30 days or portion thereof that the tax due is delinquent. ('77 Code, § 2-4024) (Ord. 57, passed 5-24-82; Am. Ord. 180, passed 4-26-93)

§ 110.13 SCHEDULE OF LICENSE TAXES.

The current business license tax schedule in use by the town is hereby adopted by reference and made a part of this code the same as if set forth in full herein.

CHAPTER 111: AMUSEMENTS

Section

- 111.01 License required; fee
- 111.02 Application; information obtained
- 111.03 Denial of license
- 111.04 Disorderly conduct
- 111.05 Suspension or revocation of license
- 111.06 Public liability certificate required

§ 111.01 LICENSE REQUIRED; FEE.

(A) No person shall exhibit, show, conduct or operate at any place in the town, or cause or permit to be exhibited, shown, conducted or operated in any place within the town or on any property owned, leased or controlled by him or her, any circus, carnival or outdoor show, or other similar public entertainment, or any merry-go-round, ferris wheel, airplane ride, or any other type of mechanical ride or any type of mechanical amusement, unless the same shall have been licensed according to the provisions of this chapter. ('77 Code, § 6-1071)

(B) No fee shall be charged for the license. ('77 Code, § 6-1075)
Penalty, see § 10.99

§ 111.02 APPLICATION; LICENSE OBTAINED.

(A) Any and all persons desiring to operate a circus, carnival, outdoor show or any other similar public entertainment, or a merry-go-round, ferris wheel or other mechanical ride, shall first make application to the Board, upon a form or forms prescribed by the Board at least 60 days prior to the opening date thereof. The Board shall consider the application or applications and direct that the same be granted or refused, and if granted a license shall be duly issued, which license shall be signed by the Mayor. ('77 Code, § 6-1072)

(B) The application shall contain the name and residence of the person to whom the same shall be issued and shall contain a complete description of the type of show, rides and other amusements to be offered, as well as the place upon which the same shall be held. ('77 Code, § 6-1073)
Penalty, see § 10.99

§ 111.03 DENIAL OF LICENSE.

The Board may refuse the issuance of the license on account of the existence of any unsanitary, hazardous or dangerous condition or because the location is deemed to be unsuitable, or on account of the creation of a traffic hazard, or for the lack of accommodations for the number of persons or vehicles likely to be attracted thereto.

('77 Code, § 6-1074)

§ 111.04 DISORDERLY CONDUCT.

No person granted a license under this chapter shall permit any disorderly or immoral conduct upon the premises for which a license shall have been granted, or the sale of any obscene literature or pictures, or any indecent, immoral or lewd act or performance upon the premises.

('77 Code, § 6-1077) Penalty, see § 10.99

§ 111.05 SUSPENSION OR REVOCATION OF LICENSE.

The Mayor is hereby authorized to suspend or revoke any license granted under this chapter in case of failure to maintain proper standards of safety and sanitation, and in case the licensee shall permit the sale of any obscene literature or pictures of any indecent, immoral or lewd act or performance.

('77 Code, § 6-1078)

§ 111.06 PUBLIC LIABILITY CERTIFICATE REQUIRED.

(A) The sponsor of any circus, carnival or outdoor show or other similar public entertainment, or the owner or operator thereof, or the operator of any mechanical ride of any type, shall file with the Clerk at least ten days prior to the opening of the circus, carnival or outdoor show, or the operation of any merry-go-round, ferris wheel, airplane ride or any other type of mechanical ride or any type of mechanical amusement, a certificate of public liability insurance in a sum determined by the Board.

(B) The filing of the certificate of public liability insurance shall be a condition precedent to the opening of the circus, carnival or outdoor show, or other similar public entertainment, or the operation of any merry-go-round, ferris wheel, airplane ride or any other type of mechanical ride or mechanical amusement. No circus, carnival or outdoor show, or any mechanical ride or mechanical amusement shall be permitted to perform or operate unless the certificate of insurance is first provided as set forth herein.

('77 Code, § 6-1079) Penalty, see § 10.99

CHAPTER 112: ARCADES; VIDEO GAME ROOMS

Section

- 112.01 License required
- 112.02 Hours of operation

§ 112.01 LICENSE REQUIRED.

Arcades and video game rooms may be operated within the corporate limits of the town subject to the prior payment of taxes and licenses required by the code and subject to the requirements and provisions of this chapter.

('77 Code, § 6-1111) (Ord. 56, passed 6-28-82)

§ 112.02 HOURS OF OPERATION.

Every arcade or video game room within the town limits shall close at or before 12:00 a.m., except Friday and Saturday night at or before 1:00 a.m.

('77 Code, § 6-1112) (Ord. 56, passed 6-28-82) Penalty, see § 10.99

CHAPTER 113: POOL HALLS; BOWLING ALLEYS

Section

- 113.01 License required; application
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- 113.04 Prohibitions for licensee and employees
- 113.05 Rules for operation
- 113.06 Licensee responsibility
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§ 113.01 LICENSE REQUIRED; APPLICATION.

(A) No person shall maintain or operate any pool or billiard table, bowling alley or other table or alley for any game or play for which a charge is made, either directly or indirectly, unless he or she shall first have secured a license from the Board to do so. The license shall expire on June 30 each year, and shall not be transferable. ('77 Code, § 6-1041)

(B) Applications for the license shall be made upon forms provided by the Clerk, and shall contain all information necessary for the Board to act intelligently upon the applications. ('77 Code, § 6-1042)
Penalty, see § 10.99

§ 113.02 DENIAL OF LICENSE.

The Board shall not issue a license to any person:

- (A) Who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs;
- (B) Who is not a citizen and resident of North Carolina;
- (C) Who is of immoral character; or
- (D) Who is a habitual user of intoxicating liquor or narcotic drugs.

('77 Code, § 6-1043)

§ 113.03 FORM AND CONTENT OF LICENSE.

Every license issued pursuant to this chapter shall specify the premises for which it is issued, the number of tables or alleys to be operated thereunder, the name of the owner or operator, and the dates upon which the license begins and shall expire. A license shall be posted in a prominent place on the premises at all times. ('77 Code, § 6-1044)

§ 113.04 PROHIBITIONS FOR LICENSEE AND EMPLOYEES.

Licensees under this chapter shall not, and neither shall their employees:

(A) Suffer or permit any gambling on the licensed premises at any time, nor the sale or use of any racing, football or other parlay cards or gambling boards;

(B) Suffer or permit the licensed premises to become disorderly; or permit any profane, obscene or indecent language thereon;

(C) Suffer or permit any intoxicating liquors or narcotic drugs to be sold or kept or consumed on the licensed premises;

(D) Suffer or permit any person under the age of 16 years to enter or remain on the premises, except within recreational facilities owned or leased from the town, unless the person be accompanied by his or her parent or guardian; (Am. Ord. 141, passed 8-25-86)

(E) Employ in carrying on the business any person who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs; or

(F) Suffer or permit any keeley board, keno board or any other board or device to be attached to or placed upon any tables.

('77 Code, § 6-1045) Penalty, see § 10.99

§ 113.05 RULES FOR OPERATION.

The following rules shall be observed by all operators of pool rooms within the town.

(A) The hours of operation for pool rooms shall coincide with the hours for the sale of malt beverages as set forth in the North Carolina General Statutes concerning the sale of malt beverages. (Ord. passed 1-20-81)

(B) No play on any table shall be allowed during the time when pool rooms are required by this chapter to remain closed.

(C) All pool rooms shall be operated only on the ground floor of a building, and plate glass window shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.

(D) No screens, curtains, blinds, partitions or other obstructions shall be placed between the entrance to the room where pool is played and the rear wall of the room. A clear view of the interior from the entrance to the rear of the room must be maintained at all times.

(E) No partitions forming rooms, stalls or other enclosures where the public congregates shall be permitted. Provided, this shall not be construed so as to prohibit the maintenance of closets used exclusively for storage purposes, or of toilets.

(F) There shall not be permitted or maintained any open or secret connections through doors, windows, trap doors, hidden doors, panels, stairways or other devices within any place where gambling is conducted or where persons meet or congregate for immoral purposes. (Am. Ord. 135, passed 5-5-86)
(‘77 Code, § 6-1046) Penalty, see § 10.99

§ 113.06 LICENSEE RESPONSIBILITY.

The acts and conduct of the agents and employees of the licensee in the conduct of the business shall be deemed to be the acts and conduct of the licensee.
(‘77 Code, § 6-1047)

§ 113.07 REVOCATION OF LICENSES.

A second conviction of a licensee, or his or her agent or employee, for any violation of any provision of this chapter shall by operation of law constitute a automatic revocation of the license of the licensee. In addition, the Board may at any time, for cause, and after a hearing, of which a licensee shall be given reasonable notice as the Board may direct to revoke any license issued pursuant to this chapter.
(‘77 Code, § 6-1048)

CHAPTER 114: TAXICABS

Section

- 114.01 Definitions
- 114.02 Certificate required; application and issuance
- 114.03 Term, renewal and fees for certificate
- 114.04 Determinations of convenience and necessity; hearings
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- 114.06 Failure to begin operations
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- 114.08 Revocation of certificate
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- 114.10 Multiple certificates; Board authority
- 114.11 Maximum number of certificates issued
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- 114.13 Identification of vehicles
- 114.14 Rates and fares
- 114.15 Driver's permits; application and issuance
- 114.16 Determinations, fees and terms
- 114.17 Revocation of permit

§ 114.01 DEFINITIONS.

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

PERSON. Both singular and plural, and shall also mean and include persons, individuals, firms, corporations, partnerships and associations.

TAXICAB. Any motor vehicle seating nine or fewer passengers, operated upon any street or highway or call on demand, accepting or soliciting passengers indiscriminately for hire between points along streets or highways as may be directed by the passenger or passengers so being transported, and shall not include motor carriers as defined in G.S. § 62-3(17).
(‘77 Code, § 6-1001)

§ 114.02 CERTIFICATE REQUIRED; APPLICATION AND ISSUANCE.

(A) It shall be unlawful for any person to operate a taxicab upon and over the streets of the town without first having applied for and secured from the Board a certificate of convenience and necessity as hereinafter set forth. (‘77 Code, § 6-1002)

(B) Every person desiring to operate a taxicab upon and over the streets of the town shall file on forms supplied by the Clerk an application for certificate of convenience and necessity. ('77 Code, § 6-1003)

(C) The Board shall have power and it will be its duty to order certain certificates issued or refuse to issue certain certificates or to issue certificates for partial exercise of the rights granted only the certificate the terms and conditions as in its judgment the public convenience and necessity may require.

(D) ('77 Code, § 6-1004)

Penalty, see § 10.99

§ 114.03 TERM, RENEWAL AND FEES FOR CERTIFICATE.

(A) A certificate of convenience and necessity issued under the provisions of this chapter shall constitute a franchise from the town for the operation of taxicabs within the town subject to the provisions of this chapter for one year, unless a shorter period of time is specified in the certificate. Application or renewal shall be filed annually and hearings shall be conducted as provided by this chapter. ('77 Code, § 6-1005)

(B) The fee for a certificate of convenience and necessity issued pursuant to the provisions of this chapter for a taxicab shall be as established by the Board, and available in the office of the Clerk. ('77 Code, § 6-1019)

§ 114.04 DETERMINATIONS OF CONVENIENCE AND NECESSITY; HEARINGS.

(A) *Determination of convenience and necessity.*

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

(a) Whether or not the public convenience and necessity require the proposed or additional taxicab service within the town;

(b) The financial responsibility for the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory;

(c) The number and condition of equipment;

(d) The schedule of proposed rates, if required by the Board to be charged;

(e) The number of taxicabs now operated and the demand for increased service, if any, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved, and whether or not adequate provision has been made for off-street parking of the taxicabs;

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

(g) Other relative facts as may be deemed necessary and advisable.

(2) Before making any decision with respect to the issuance of a certificate of convenience and necessity, the Board or a committee shall make a full and complete investigation of all facts, if it so desires, subpoena witnesses and utilize the services of the Chief of Police or any other officer or employee of the town.
(‘77 Code, § 6-1006)

(B) *Hearing, notices.*

(1) Each application for a certificate of convenience and necessity shall be scheduled for a hearing not later than 30 days after the same is filed, and the applicant shall be notified by the Clerk by mail to the business address set forth in the application of the date and time of the hearing, the notification to be sent at least ten days before the date set for the hearing. The Clerk shall also, within the same time, notify all persons who at the time hold certificates of convenience and necessity for the operation of taxicabs within the municipality, of the date and time for the hearing and the name of the applicant.

(2) In addition, the Board shall cause to be published at least once in a local paper, or posted on a suitable bulletin board at the Town Hall, a notice setting forth the name of the applicant and the date of the hearing and the time thereof. The cost of the publication shall be paid by the applicant.
(‘77 Code, § 6-1007)

§ 114.05 BURDEN OF PROOF FOR GRANTING CERTIFICATE.

The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicab or taxicabs specified in this application, and all other facts required for the granting of a certificate.
(‘77 Code, § 6-1008)

§ 114.06 FAILURE TO BEGIN OPERATIONS.

If a certificate is granted to an applicant, and the applicant shall fail, in accordance with the provisions of the certificate, to begin operations within 60 days after the date of the certificate, then the certificate shall become null and void, and no refund of any amount paid by the applicant will be made by the town.
(‘77 Code, § 6-1009)

§ 114.07 TRANSFER OF CERTIFICATE.

A certificate is not transferable without the consent and approval of the Board. Applications for a permit to transfer shall be filed in the same manner as an application for a certificate of convenience and necessity. The proceedings upon the application for a transfer shall be the same as those prescribed for the issuance of a certificate, except that the question of public convenience and necessity need not be proved.
(‘77 Code, § 6-1010)

§ 114.08 REVOCATION OF CERTIFICATE.

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

- (1) Failure to operate the taxicab specified in the certificate in a manner as to serve the public adequately and efficiently;
- (2) Failure to maintain motor equipment in good repair;
- (3) Failure to carry liability insurance or bond as required by law;
- (4) Failure to pay the town taxes or license fees imposed upon the taxicabs;
- (5) Repeated and persistent violation by the taxicab drivers of traffic and safety regulations and ordinances, or state laws or the provisions of this code relating to alcoholic beverages, prostitution or gambling;
- (6) Failure to comply with any provision of this code or other ordinances or state laws relating to the operation of taxicabs;
- (7) Failure to maintain off-street parking facilities;
- (8) Failure to abide by and charge the fares scheduled in this chapter;
- (9) Failure to operate one or more taxicabs for a period of 30 days; and
- (10) Failure to report accidents.

(B) No certificate of convenience and necessity shall be revoked until the owner has had at least a five-day notice by personal service or registered mail of the charges against him, and of the time and place of the hearing. If, after the hearing, it is found that the owner is guilty of one or more of the offenses listed herein, the Board shall have the power to revoke the certificate, or to condition the revocation upon compliance of its order within any time fixed by it.

('77 Code, § 6-1011)

§ 114.09 SUBSTITUTION OF VEHICLES.

The person to whom a certificate has been issued may, by appropriate endorsement, by the Clerk, substitute another vehicle, or other vehicles, for the vehicle or vehicles, for which the certificate was granted. In the instance, the liability insurance or bonds shall also be transferred to the substitute vehicle or vehicles.

('77 Code, § 6-1012)

§ 114.10 MULTIPLE CERTIFICATES; BOARD AUTHORITY.

The Board reserves the right to issue only one certificate to any one person, and the person holding the certificate shall be required to operate his or her taxicab himself or herself and shall have no power or authority by virtue of his or her certificate to delegate the operation of the taxicab to any person.

('77 Code, § 6-1013)

§ 114.11 MAXIMUM NUMBER OF CERTIFICATES ISSUED.

The maximum number of certificates of convenience and necessity which may be issued under this chapter, and the maximum number of taxicabs, which may be operated at any one time thereunder shall be ten. ('77 Code, § 6-1014)

§ 114.12 LIABILITY INSURANCE REQUIRED.

Each holder of a certificate of convenience and necessity under this chapter, shall have in full force and effect on each vehicle being operated as a taxicab upon and over the streets of the town liability insurance as determined by the Board. The insurance coverage amounts shall be minimum coverage for each vehicle. The insurance shall be with an insurance company licensed to operate and do business within the state. Compliance with the above insurance provisions is declared to be a condition precedent to the operation of any taxicab upon and over the streets of the town. ('77 Code, § 6-1015)

§ 114.13 IDENTIFICATION OF VEHICLES.

Every holder of a certificate of convenience and necessity for one or more taxicabs under the provisions of this chapter shall display upon each of his or her taxicabs, identification of his or her taxicab, name, telephone number and the fact that it operates from the town. This identification shall be either by dome lights or lettering on the exterior of the automobile. The lettering shall be at least three inches in height. In the event that it is necessary to replace any taxicab by another automobile, than a permit may be obtained from the town for the temporary replacement of the vehicle. ('77 Code, § 6-1016)

§ 114.14 RATES AND FARES.

(A) Every holder of a certificate of convenience and necessity under this chapter shall cause to be displayed in each taxicab under his or her control in a conspicuous position where the same shall be plainly visible to passengers a schedule of rates and fares authorized and required to be charged, in accordance with the schedule established by the Board, and available in the office of the Clerk. ('77 Code, § 6-1017)

(B) The fee for a certificate of convenience and necessity issued pursuant to the provisions of this chapter for a taxicab shall be as established by the Board and available in the office of the Clerk. ('77 Code, § 6-1018)

§ 114.15 DRIVER'S PERMITS; APPLICATION AND ISSUANCE.

(A) It shall be unlawful for any person to operate or drive a taxicab over and upon the streets and highways of the town without first having applied for and secured a driver's permit from the Board. ('77 Code, § 6-1019)

(B) Every person desiring to drive a taxicab, either as an owner-driver or as an employee-driver, shall make application for a driver's permit to the town using forms as the town may furnish for this purpose. ('77 Code, § 6-1020)

(C) (1) In determining whether the public convenience and necessity requires the issuance of a taxicab driver's permit, the Board shall consider among other factors:

- (a) Whether the public necessity and convenience will be benefitted and served by the awarding of the permit to the applicant;
- (b) The request of the owner of the taxicab to be driven;
- (c) The general reputation of the applicant;
- (d) The physical and mental condition of the applicant;
- (e) The court record of the applicant, if any; and
- (f) Other relative facts as may be deemed necessary and advisable.

(2) Before making any decision with respect to the issuance of a taxicab driver's permit, the Board shall make an investigation, either by a committee of the Board or by its appointed agent, of all the facts. For this purpose, the Board shall have power to conduct hearings, subpoena witnesses or to use the town employees to gather information and report same.
(77 Code, § 6-1021)

(D) The burden of proof shall be upon the applicant to establish the necessity of the existence of a public need for the issuance of the taxicab driver's permit applied for. (77 Code, § 6-1022)

(E) The Board shall have the power and it shall be its duty to order certain taxicab driver's permits issued, or to refuse to issue or to condition the issue of the permits, awarding a full or partial exercise of the privileges sought, as the Board may consider expedient and proper. (77 Code, § 6-1023)
Penalty, see § 10.99

§ 114.16 DETERMINATIONS, FEES AND TERMS.

(A) The fee for a taxicab driver's permit issued pursuant to the provisions of this chapter shall be as established by the Board, and available in the office of the Clerk. (77 Code, § 6-1024)

(B) A permit issued under the provisions of this chapter shall constitute a permit to drive a taxicab within the town for a period of one year, unless a shorter period of time is specified in the permit. Applications for renewal of permits shall be filed annually. (77 Code, § 6-1025)

(C) A taxicab driver's permit issued under this chapter shall not be transferable. (77 Code, § 6-1026)

§ 114.17 REVOCATION OF PERMIT.

The Board may at any time after a public hearing, revoke any taxicab driver's permit issued under authority of this chapter for any one or more of the following causes:

(A) Failure to drive the vehicle assigned to his or her use, if same is in a good state of repair and duly licensed under the provisions of this chapter;

(B) Failure to pay the annual license or permit fee;

(C) Repeated violations of traffic regulations or the provisions of this chapter or other ordinances governing the operation of taxicabs and taxicab drivers;

(D) Failure to abide by and charge the approved fare schedule or other ordinances as scheduled in the operator's application for a certificate of convenience and necessity;

(E) Violation of any provision of this code or other ordinance or state law governing the operation of taxicabs, the use and sale or transportation of alcoholic beverages or narcotics;

(F) Acting as a willful accessory in engaging in or promoting an act of gambling, prostitution, adultery or a felony; or

(G) A violation of this chapter.
(’77 Code, § 6-1027)

