

ORDINANCE NUMBER: 1538-X


0-55

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1313-X, THE 1999-2000 BUDGET ORDINANCE, ESTIMATING STATE GRANT REVENUES AND PROVIDING A SUPPLEMENTAL APPROPRIATION FOR A COUNTY-WIDE TRANSIT SERVICE PLAN.

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

- Section 1. That the sum of \$77,954 is hereby estimated to be available from the North Carolina Department of Transportation.
- Section 2. That the sum of \$77,954 is hereby appropriated to Rapid Transit Capital Project Fund 2098; 894.01 - County-Wide Service Plan.
- Section 3. All ordinances in conflict with this ordinance are hereby repealed.
- Section 4. This ordinance shall be effective immediately.

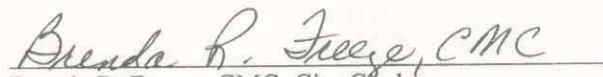
Approved as to Form:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of May, 2000, the reference having been made in Minute Book 114, and recorded in full in Ordinance Book 50, Page(s) 241.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of May, 2000.


Brenda R. Freeze, CMC, City Clerk

ORDINANCE NUMBER: 1539-X

0-56

NC 49 / US 29
INTERCHANGE

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1313-X, THE 1999-2000 BUDGET
ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION TO THE ~~ALBEMARLE /~~
~~W. HARRIS INTERSECTION~~ RECONSTRUCTION CAPITAL PROJECT.

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

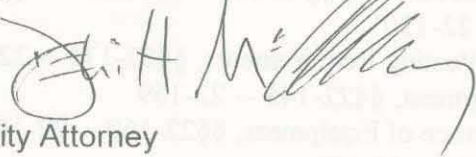
Section 1. That the sum of \$650,000 is hereby estimated to be available from
Street Bonds.

Section 2. That the sum of \$650,000 is hereby appropriated to General Capital
Improvement Fund 2010; 385.02 - NC 49/US29 Interchange.

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective immediately.

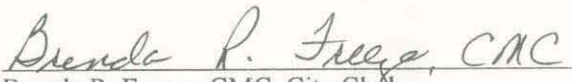
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full in Ordinance Book 50, Page(s) 242.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of May, 2000.


Brenda R. Freeze, CMC, City Clerk

ORDINANCE NUMBER: 1540

AMENDING CHAPTER 22

**ORDINANCE REWRITING CHAPTER 22 OF THE CHARLOTTE CITY CODE
ENTITLED PASSENGER VEHICLES FOR HIRE**

Section 1. Chapter 22 of the Charlotte City Code is hereby rewritten to read as follows:

PASSENGER VEHICLES FOR HIRE

Art. I. In General, §§22-1 -- 22-14

Art. II. Passenger Vehicles for Hire, §§22-15 -- 22-173

- Div. 1. Generally, §§22-15 -- 22-30
- Div. 2. Company Operating Certificate, §§22-31 -- 22-55
- Div. 3. Vehicle Operating Permit, §§22-56 -- 22-81
- Div. 4. Driver's and Chauffeur's Permit, §§22-82 -- 22-100
- Div. 5. Passenger Vehicle for Hire Board, §§22-101 -- 22-110
- Div. 6. Operation, §§22-111 -- 22-130
- Div. 7. Rates and Charges and Posting Requirements, §§22-131 -- 22-144
- Div. 8. Specifications and Equipment, §§22-145 -- 22-159
- Div. 9. Inspection and Maintenance of Equipment, §§22-160 -- 22-169
- Div. 10. Airport Service, §§22-170 -- 22-173

PASSENGER VEHICLES FOR HIRE

ARTICLE I. IN GENERAL

Secs. 22-1 -- 22-14. Reserved.

ARTICLE II. PASSENGER VEHICLES FOR HIRE

DIVISION 1. GENERALLY

Sec. 22-15. Purpose.

The purpose of this article is to regulate passenger vehicles for hire, as defined herein, in order to preserve the health and welfare of the citizens of Charlotte and the protection of their property. For purposes of the article, wherever from the context it appears appropriate, each term stated in either the singular or plural shall include the singular and plural, and pronouns stated in the masculine, feminine or neuter gender shall include the masculine, the feminine and the neuter.

Sec. 22-16. Definitions.

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

Accessible vehicle. A taxicab which is properly equipped with tie-downs and wheelchair lifts and, otherwise, is capable of transporting passengers with disabilities or physical impairments.

Affiliated. 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 passenger vehicle for hire. 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. 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. A fee charged annually for each vehicle issued an airport passenger vehicle for hire permit.

Airport operating agreement (formerly, passenger vehicle for hire operating agreement). An agreement between a passenger vehicle for hire or limousine company and the City, allowing the passenger vehicle for hire or limousine company to obtain one (1) or more airport passenger vehicle for hire permits for any passenger vehicle for hire or limousine operating at the airport and associated with that company.

Call or demand. 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 limousine or any other oral requests for a taxicab, passenger vehicle for hire or limousine 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, and no limousine shall engage in cruising or be operated on call or demand.

Certificate. A company operating certificate as defined herein.

Chauffeur. A person who physically operates a limousine.

Chauffeur's permit. The license issued by the passenger vehicle for hire manager to any person to enable that person to operate a limousine.

City. The City of Charlotte, North Carolina or its authorized agent.

Company. A passenger vehicle for hire company or limousine company to whom a company operating certificate has been issued.

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

Company operating certificate holder. The passenger vehicle for hire company or limousine company owner and/or the supporting service provider issued a company operating certificate for the operation of a passenger vehicle for hire or limousine company.

Contract vehicle. 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 does not accept compensation from any passenger. No contract vehicle shall engage in cruising or be operated on call or demand.

Cruising. The movement of a passenger vehicle for hire or limousine 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, and no limousine shall engage in cruising or be operated on call or demand.

Driver. Any person who physically operates a passenger vehicle for hire.

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

Individual owner-driver/chauffeur. A person, self-employed, who engages in the business of operating a single passenger vehicle for hire or single limousine, as its owner and driver or chauffeur. This term includes all vehicle operating permit holders who hold no more than one (1) vehicle operating permit.

Limousine. Any chauffeur-driven motor vehicle that meets the manufacturer's specifications for luxury limousine and provides limousine service as defined herein. Every limousine shall have a minimum of four (4) seats or one continuous sofa-styled seating area located behind the operator of the vehicle. No limousine shall engage in cruising or be operated on call or demand.

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

Limousine service. The service regularly rendered to the public, not over fixed routes, which furnishes transportation by chauffeured-operated 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/Passenger vehicle for hire manager. The City employee, agent or contractor responsible for the enforcement and inspection of passenger vehicles for hire or limousines in the City and for the administration of the passenger vehicle for hire office and this ordinance. For purposes of this article, reference to 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 ordinance, as provided in section 22-17(a) of this article.

Manifest. A daily record, prepared by the driver or chauffeur, of all trips made by the passenger vehicle for hire or limousine, showing time and place of origin, destination of each trip and the amount of the fare.

Non-metered passenger vehicle for hire. A passenger vehicle for hire, other than a taxicab, that is not equipped with a meter and 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 non-metered passenger vehicle for hire shall engage in cruising or be operated on call or demand.

Passenger vehicle for hire. Any taxicab, contract vehicle, shuttle van, special needs transportation vehicle or non-metered passenger vehicle for hire as defined herein which is operated by a driver and if a fee is charged, the fee is determined by mileage, contract, agreement or length of time for which the vehicle is engaged for services originating within the city limits. A passenger vehicle for hire shall not include motor vehicles or motor vehicle carriers as defined in G.S. §§ 62-259 through 62-279 or hotel courtesy vehicles that provide transportation services solely to patrons of the hotel. No vehicle shall be permitted to operate as both a passenger vehicle for hire and a limousine. 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. A board created pursuant to Division 5 of this article to carry out the responsibilities contained herein.

Passenger vehicle for hire company. Any company issued a company operating certificate that engages in the business of operating passenger vehicle(s) for hire as an owner or franchisor.

Person. Where applicable, any natural individual, firm, partnership, corporation or association.

Prearrangement. Transportation arrangements made by telephone, facsimile or in writing prior to the passenger vehicle for hire or limousine arriving at the location for pickup. Prearrangement does not include the hailing of a passenger vehicle for hire or limousine or any other oral requests for passenger vehicle for hire or limousine service made from a public street location as the pickup.

Rate notice. 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 22-133.

Registered vehicles. The maximum number of vehicle operating permits issued to a passenger vehicle for hire company or limousine company for at least eight (8) consecutive months of a calendar year.

Shuttle van. 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 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 needs transportation vehicle. 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 does not include the acceptance of passengers indiscriminately between points along highways. A special needs transportation 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 special needs transportation vehicle shall engage in cruising or be operated on call or demand.

Special services permit. A license issued by the passenger vehicle for hire manager, or his or her 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 section 22-19(a)(4).

Street. Any road, alley, avenue, highway, terminal roadway or any other public vehicular area within the corporate limits of the City as the same may exist or may be hereafter extended.

Supporting service provider. The person or company that satisfies, or guarantees to satisfy, the requirements of sections 22-34(a)(6) and 22-36(a)(2).

Taxicab. Any motor vehicle seating nine (9) or fewer passengers and driver-operated for hire upon any street on call or demand.

Vehicle decal. An annually issued, nontransferable, numbered insignia providing exterior identification that a particular passenger vehicle for hire or limousine has a valid vehicle operating permit.

Vehicle operating permit. The license, issued by the passenger vehicle for hire manager, authorizing a person to operate a passenger vehicle for hire or limousine.

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

Sec. 22-17. Manager of passenger vehicles for hire, office created; reports, recommendations, 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 or her 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 the provisions of this article.

(b) The passenger vehicle for hire manager shall advise the city manager, or his or her 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 or her 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 section 22-36 and section 22-61.

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

Sec. 22-18. Limitation on the number of the company operating certificates, vehicle operating permits and drivers' and chauffeurs' permits.

(a) Pursuant to section 22-102(c) of this article, 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 or chauffeur'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) Within two (2) years of the effective date of this ordinance and thereafter, at least once every three (3) 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 or chauffeur's permits to be issued by the City.

Sec. 22-19. Types of service.

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

(a) A taxicab may provide the following types of service:

- (1) *Exclusive ride*: Involving the transportation of a party or parties by a taxicab from a single origin to a single destination for compensation;
- (2) *Group ride*: Involving the transportation of several passengers by a taxicab from a single origin to a single destination for compensation;
- (3) *Shared ride*: Involving the transportation of several passengers by a taxicab from one or more origins to one or more destinations for compensation, as described in section 22-20(g); and
- (4) *Special service*: An unusual and unique service essentially different from typical taxicab services as described in subparagraphs (a)(1) through (3) of this section, requiring a special service permit issued by the passenger vehicle for hire manager. Services under this subparagraph 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:
 - a. 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.
 - b. 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.

- c. Fees for the application of special service permits shall be set by the city manager, or his or her designee.
 - d. A special service permit holder must also obtain a vehicle operating permit for the service to be provided.
 - e. Unless specifically exempted in the special service permit, each service operating pursuant to a special service permit shall be subject to every provision of this article.
- (b) A contract vehicle shall provide the following service:
- (1) 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; and
 - (2) A contract vehicle shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.
- (c) A shuttle van shall provide the following service:
- (1) 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; and
 - (2) A shuttle van shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.
- (d) A special needs transportation vehicle shall provide the following service:
- (1) 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; and

- (2) A special needs transportation vehicle shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.
- (e) A non-metered passenger vehicle for hire shall provide the following service:
 - (1) Service involving transportation of passengers on the basis of prearrangement for which passengers are charged a fixed fee not computed by a taximeter; and
 - (2) A non-metered passenger vehicle shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.
- (f) A limousine shall provide the following service:
 - (1) Service regularly rendered to the public, not over fixed routes, which furnishes transportation by chauffeur-operated limousines for hire, based on a fee determined by increments of time and contracted for by telephone or other prearrangement with a limousine company; and
 - (2) A limousine shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.
 - (3) *Special temporary service:* 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 subparagraph include, but are not limited to, pooling arrangements to service the needs created by one time city-wide 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 limousine companies to meet the demand of the special event. For purposes of this ordinance, all foreign and unpermitted limousine companies, operating under a special temporary service permit issued under this section, 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:
 - a. Applications for a special temporary service permit shall be submitted by the company operating certificate holder, hereafter

called applicant, to the passenger vehicle for hire manager. All applications shall contain the following information:

1. A description of the special event;
2. The requested number of limousines sought;
3. Evidence that the proposed service is necessary and that the existing number of permitted limousines is inadequate;
4. The name and address of each foreign company and, in the event that a foreign company is a corporation, a certified copy of the articles of incorporation, or in the event that such foreign company is an association, a certified copy of the bylaws of the association;
5. The number of passenger vehicles for hire or limousines presently operated by the applicant on the date of such application, if any;
6. The make, type and passenger capacity of the passenger vehicle for hire or limousine for which application for a company operating certificate is made;
7. All court records of the foreign company. If the foreign company is a corporation or association, the court records of the officers, directors and supervising employees thereof, including general manager, if any, must be provided; and
8. 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.

- b. The company operating certificate holder and foreign limousine owner shall agree to be jointly and severally responsible for the conduct and actions of the foreign or unpermitted limousine and limousine company while the foreign or unpermitted limousine and limousine company provides the special temporary service and shall insure compliance with the applicable provisions of this article. Each foreign or unpermitted limousine shall provide evidence of insurance at the limits required by the passenger vehicle for hire manager.
- c. 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.
- d. Fees for the application of special temporary service permits shall be set by the city manager, or his or her designee.
- e. A special temporary service permit shall not exceed seven (7) 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.
- f. 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 provision of this article.
- g. Nothing contained in this section 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.

Sec. 22-20. Conduct of company operating certificate holders, vehicle operating permit holders, drivers and chauffeurs.

(a) No company operating certificate holder, vehicle operating permit holder, driver or chauffeur shall deceive or attempt to deceive any passenger who may ride or desire to ride in his or her passenger vehicle for hire or limousine in any manner, especially as to destination or the rate of fare to be charged. No company operating certificate holder, vehicle operating permit holder, driver or chauffeur 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 paragraph (g) of this section. 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(s), except for shared ride service provided for in paragraph (g) of this section.

(b) Drivers and chauffeurs shall comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken.

(c) No driver nor chauffeur shall have in his or her possession a lit cigarette, cigar, pipe or tobacco of any kind or incense while a passenger is being transported in his or her passenger vehicle for hire or limousine.

(d) 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 or limousine 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, and no chauffeur of any limousine shall operate a passenger vehicle for hire or limousine on call or demand, engage in cruising, or otherwise, operate as a taxicab.

(e) 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 section 22-21(a), a driver of any taxicab located inside his or her vehicle or outside, but within ten (10) feet of the taxicab, may solicit passengers by word, sign or gesture. Except as provided by this paragraph, a driver of any taxicab may not solicit nor have any other person solicit passengers on the driver's behalf.

Nothing in this paragraph 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 or her taxicab. Notwithstanding the above, no driver of a passenger vehicle for hire, except taxicabs, as

permitted herein, nor chauffeur of a limousine shall at any time solicit passengers by any word, sign, signal (audible or otherwise), gesture or by cruising.

(f) No driver nor chauffeur shall allow the seating capacity of his or her passenger vehicle for hire or limousine to exceed manufacturer's specifications.

(g) 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 or her 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 ride-sharing. If the original passenger is a child under sixteen (16) years of age and is unaccompanied by a person sixteen (16) years of age or older, then no other passengers shall be permitted in the taxicab unless permission is given in a prearranged contract by the contracting parties.

(h) No company operating certificate holder, vehicle operating permit holder, driver or chauffeur 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, driver or chauffeur 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 a reasonable accommodation.

(i) No company operating certificate holder, vehicle operating permit holder, driver or chauffeur 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.

(j) A driver or chauffeur may refuse or neglect to transport an orderly person upon request, only if the driver or chauffeur 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 chauffeur, or the driver or chauffeur has the "off-duty" placard displayed prior to the request for service by a prospective passenger. Nothing contained in this section shall authorize a driver or chauffeur to refuse or neglect to transport any person as a pretext to the driver's or chauffeur's noncompliance with the provisions contained in section 22-20(h) and (i) of this section.

(k) No company operating certificate holder, vehicle operating permit holder, driver or chauffeur shall knowingly use, sell, handle or transport illegal or controlled substances at any time while operating a passenger vehicle for hire or limousine. In addition, no driver nor chauffeur shall give any information to any passenger as to where or how illegal or controlled substances may be obtained.

(l) No company operating certificate holder, vehicle operating permit holder, driver or chauffeur shall maintain, use or possess a scanner or device capable of intercepting telephonic communications while operating a passenger vehicle for hire or limousine.

(m) No company operating certificate holder, vehicle operating permit holder, driver or chauffeur shall knowingly solicit, procure or give information in regard to or transport any passenger to any person for the purpose of prostitution.

(n) All company operating certificate holders, vehicle operating permit holders, drivers and chauffeurs shall provide prompt, efficient service and be courteous at all times to the general public, to other passenger vehicle for hire drivers and chauffeurs, to the passenger vehicle for hire manager and to any officer of the Charlotte-Mecklenburg Police Department.

(o) No company operating certificate holder, vehicle operating permit holder, driver or chauffeur shall operate or allow a vehicle to be operated in a manner which threatens, endangers or abuses a passenger or the general public.

(p) No driver nor chauffeur shall operate a passenger vehicle for hire or limousine while consuming, while under the influence of or while having the odor of, an alcoholic beverage or controlled substance on or about his or her person. No company operating certificate holder or vehicle operating permit holder shall allow any driver or chauffeur to operate a passenger vehicle for hire or limousine while consuming, while under the influence of

or while having the odor of, an alcoholic beverage or controlled substance on or about his or her person.

(q) Any driver or chauffeur charged with a criminal offense or infraction, he or she shall notify the passenger vehicle for hire manager within twenty-four 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 or chauffeur's permit.

(r) Company operating certificate holders and vehicle operating permit holders shall be responsible for the compliance of their affiliated drivers and chauffeurs with the provisions of this section. Failure of a driver or chauffeur to comply with said provisions may result in the issuance of citations to the passenger vehicle for hire company or limousine company and/or the driver or chauffeur pursuant to section 22-22.

(s) No driver nor chauffeur shall operate a passenger vehicle for hire or limousine within the City without a valid driver's license for the type of vehicle to be operated or while his or her driver's license is suspended or revoked.

(t) No company operating certificate holder, vehicle operating permit holder, driver or chauffeur shall fail or refuse to surrender his or her company operating certificate, vehicle operating permit, vehicle decal, driver's permit and/or chauffeur'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, driver's permit or chauffeur's permit pursuant to section 22-103 of this article.

(u) No company operating certificate holder or vehicle operating permit holder shall operate or allow the operation of a passenger vehicle for hire or limousine under a company operating certificate or vehicle operating permit that is in a state of suspension or revocation.

(v) No driver or chauffeur shall operate a passenger vehicle for hire or limousine while his or her driver's permit or chauffeur's permit is in a state of suspension or revocation.

Sec. 22-21. Taxicab stands; procedure.

(a) The passenger vehicle for hire manager and the City's director of transportation, or his or her designee, shall jointly establish and designate taxicab stands.

(b) Taxicabs shall enter designated taxicab stands from the rear only and each taxicab therein must be heading in the direction of the exit. No taxicab shall stop at a taxicab stand unless there is a vacancy therein. Unless a passenger requests otherwise, taxicabs shall exit taxicab stands in the order in which they enter. Drivers shall remain in their taxicabs or within

the taxicab stand so that normal operations of the taxicab stand are maintained. Taxicab drivers may leave the taxicab stand only in case of emergency or to assist passengers.

(c) No passenger vehicle for hire or limousine, 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 office of the passenger vehicle for hire and shall be open to inspection by the public.

Sec. 22-22. Penalties.

(a) It shall be unlawful for any person to violate any of the provisions of this article.

(b) Upon violation of any provision of this article, the passenger vehicle for hire manager, or his or her designee, may suspend or revoke the company operating certificate, the vehicle operating permit, the driver's permit and/or the chauffeur's permit held by such person.

(c) The initial violation of any provision of this article shall subject the offender to a civil penalty of up to:

<u>Class A Offense:</u>	Two Hundred Dollars (\$200.00);
<u>Class B Offense:</u>	One Hundred Dollars (\$100.00); or
<u>Class C Offense:</u>	Fifty Dollars (\$50.00) .

(Class A, Class B and Class C offenses shall be those offenses listed in paragraph (d) of this section.)

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 1-7(c) of the Code of the City of Charlotte.

(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 or her designee, that the same company operating certificate holder, vehicle operating permit holder, driver, chauffeur or operator has committed a second or series of violations of this article within any 12-month period, progressive penalties may be 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 or Limousine Penalty Schedules

<u>Class A Offenses:</u>	\$500 - 2nd violation of this article.
	\$1000 - 3rd violation of this article.
	\$2000 - 4th or subsequent violation of this article.

1. By operating a passenger vehicle for hire or limousine within the City without first having obtained a company operating certificate authorizing such operation as required by section 22-31.
2. By operating a passenger vehicle for hire or limousine within the City without first having obtained a vehicle operating permit authorizing such operation as required by section 22-56.

3. By operating a passenger vehicle for hire or limousine within the City without having first obtained a passenger vehicle for hire driver's permit or limousine chauffeur's permit as required by section 22-82.
4. By operating a passenger vehicle for hire or limousine within the City without a valid driver's license for the type of vehicle being operated or while his or her driver's license is suspended or revoked as prohibited by section 22-20(s).

Class B Offenses:

\$200	- 2nd violation of this article.
\$300	- 3rd violation of this article.
\$400	- 4th or subsequent violation of this article.

1. By operating a passenger vehicle for hire or limousine within the City without displaying a passenger vehicle for hire driver's permit or limousine chauffeur's permit displayed in violation of section 22-87(b).
2. By operating a passenger vehicle for hire or limousine for a company operating certificate holder other than the company operating certificate holder shown on the driver's permit or chauffeur's permit in violation of section 22-87(c).
3. By operating a passenger vehicle for hire within the City while the vehicle operating permit is expired in violation of section 22-62.
4. By operating a passenger vehicle for hire within the City with an expired passenger vehicle for hire driver's permit or limousine chauffeur's permit in violation of section 22-87(e).
5. By deceiving or attempting to deceive a passenger who may ride or desire to ride in a passenger vehicle for hire or limousine in any manner, especially as to destination or the rate of fare to be charged in violation of section 22-20(a).
6. By transporting or causing to be transported any passenger to any place other than as directed by the passenger in violation of section 22-20(a).

7. By taking a longer route to the requested destination than is reasonably necessary in violation of section 22-20(a).
8. By 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 section 22-20(b).
9. By failing to be dressed in a way so as to convey a neat and clean appearance in violation of section 22-120.
10. By charging the passenger more than the fare shown on the taximeter or rate filed with the passenger vehicle for hire manager in violation of section 22-136(a).
11. By refusing to give a passenger a receipt showing the passenger vehicle for hire vehicle operating permit number, the driver's or chauffeur's permit number and the date and the amount of fare paid in violation of section 22-136(b).
12. By operating a taxicab which is occupied by a person other than the driver without having the meter on and operating in violation of section 22-148(b).
13. By transporting another passenger except the driver or chauffeur and any person who may be accompanying a fare-paying passenger in violation of section 22-122.
14. By failing to report an accident involving the operation of a passenger vehicle for hire or limousine in violation of section 22-121.

Class C Offenses: \$100 - 2nd violation of this article.
 \$200 - 3rd violation of this article.
 \$300 - 4th or subsequent violation of this article.

1. By having in his or her possession a lit cigarette, cigar, pipe, tobacco of any kind or incense while any passenger is being transported in a passenger vehicle for hire or limousine in violation of section 22-20(c).

2. By allowing the seating capacity of a passenger vehicle for hire or limousine to be exceeded in violation of section 22-20(f).
3. By refusing or neglecting to transport any person upon request in violation of section 22-20(h).
4. By failing to remain in his or her passenger vehicle for hire or within a taxicab stand in violation of section 22-21(b).
5. By failing to operate a passenger vehicle for hire or limousine in accordance with the laws of this State and the ordinances of this City in violation of section 22-112(a).
6. By operating a passenger vehicle for hire or limousine at a rate of speed inconsistent with existing traffic regulations, road conditions, hazards at intersections and other conditions then existing in violation of section 22-112(b).
7. By operating a passenger vehicle for hire or limousine in violation of any of the remaining provisions of this article.

(e) If a person fails to pay or appeal a penalty within fifteen (15) days after the City's mailing of the notice of violation, the passenger vehicle for hire manager may suspend or revoke the person's company operating certificate, vehicle operating permit, driver's and/or chauffeur's permit in addition to any other action taken pursuant to this article.

(f) Civil penalties shall be levied against the passenger vehicle for hire or limousine company according to the total amount of civil penalties incurred during a calendar year by the passenger vehicle for hire drivers or chauffeurs employed or contracted by or affiliated with the passenger vehicle for hire or limousine company. The amount of civil penalties shall be determined by the number of passenger vehicles for hire and/or limousines operated by the

company and the total amount of civil penalties incurred annually by the drivers and chauffeurs for the company, as follows:

1-30 registered vehicles: annually, each \$1,250 in driver and chauffeur penalties shall result in a \$5,000 civil penalty;

31-50 registered vehicles: annually, each \$2,500 in driver and chauffeur penalties shall result in a \$5,000 civil penalty;

51-75 registered vehicles: annually, each \$3,750 in driver and chauffeur penalties shall result in a \$5,000 civil penalty;

over 75 registered vehicles: annually, each \$5,000 in driver and chauffeur penalties shall result in a \$5,000 civil penalty.

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

(g) In addition to the authority under this article to deny, suspend or revoke a certificate or permit, the City may seek enforcement of the provisions of this article by instituting a civil action for injunctive relief, an abatement order or any other appropriate relief in the superior court of Mecklenburg County.

(h) No company operating certificate, vehicle operating permit, driver's permit and/or chauffeur's permit shall be renewed if any civil penalty assessed under this article is unpaid or outstanding.

(i) Any and all penalties assessed against any driver or chauffeur shall remain the obligation of the driver or chauffeur regardless of any change in his or her company affiliation.

(j) The provisions of this article may be enforced by one, all or a combination of the remedies authorized and prescribed by this article, section 1-7 of the Code of the City of Charlotte and the North Carolina General Statutes.

Sec. 22-23. Appeals.

Persons found to be in violation of this article may appeal such violation directly to the chairman of the passenger vehicle for hire board pursuant to sections 22-92 and 22-93 of this article.

Sec. 22-24. 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 insure the effective regulation of passenger vehicle for hire or limousine service in the City.

Secs. 22-25 -- 22-30. Reserved.

DIVISION 2. COMPANY OPERATING CERTIFICATE

Sec. 22-31. Required.

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

Sec. 22-32. Issuance.

(a) The City Council authorizes the city manager, or his or her designee, to issue a company operating certificate to any applicant or applicants, subject to such conditions as the City Council may deem advisable or necessary in the public interest, and upon payment of a regulatory fee provided by section 22-46 of this article. A separate company operating certificate shall be required for a taxicab company, each class of passenger vehicle for hire company and a limousine company. The authorization, granted by the company operating certificate to operate a taxicab company, limousine company or other class of passenger vehicle for hire company, shall be restricted to the use designated and approved in the company operating certificate. A company operating certificate shall be valid for a period of one (1) year and may be renewed annually upon the approval of the city manager, or his or her designee, and the payment of the regulatory fees provided by section 22-46.

(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 verifying that the applicant has sufficient funds to operate the minimum number of vehicles set forth in paragraph (d) of this section for each type of use. The financial statement shall be in the name of the passenger vehicle for hire or limousine company 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 (7) years prior to the date of the certificate application date.

(d) Each company operating certificate shall specify the type of passenger vehicle(s) for hire or limousine(s) which the company operating certificate holder is authorized to operate under that certificate. No passenger vehicle for hire company or limousine company shall operate in a manner except as authorized by the company operating certificate. In addition, no company operating certificate shall be issued to or renewed by any company that shall not have maintained and operated the following minimum number of vehicles for each type of use:

Thirty (30) taxicabs; or one (1) non-metered passenger vehicle for hire; or one (1) contract vehicle; or one (1) special needs vehicle; or one (1) shuttle van; or one (1) limousine or such other number equivalent to the number of vehicle operating permits requested. 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 or operated by the company operating certificate holder. Therefore, to obtain a company operating certificate to provide taxicab service, a company must have:

A minimum of thirty (30) taxicabs, if the company has no accessible vehicles;

A minimum of twenty-five (25) taxicabs, if the company has one (1) accessible vehicle;

A minimum of twenty (20) taxicabs, if the company has two (2) accessible vehicles;

A minimum of fifteen (15) taxicabs, if the company has three (3) accessible vehicles;

A minimum of ten (10) taxicabs, if the company has four (4) accessible vehicles; or

A minimum of five (5) taxicabs, if the company has five (5) accessible vehicles.

Pursuant to the provisions of section 22-102 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 drivers' or chauffeurs' permits and may require a minimum number of accessible vehicles for companies providing taxicab service.

The provisions of this section shall not apply to the renewal of any company operating certificate occurring earlier than one (1) year following the effective date of this ordinance; however, in that event, the provisions of this section shall apply one (1) year from the date of the first renewal period after the effective date of this ordinance.

(e) When the company operating certificate has been issued for a passenger vehicle for hire company or limousine company pursuant to this article and a vehicle operating permit has been authorized for a vehicle for hire or limousine pursuant to the terms of 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 not to cause confusion with other taxicabs already operating, the passenger vehicle for hire manager, upon the receipt of a fee for each vehicle operating permit and for each vehicle decal pursuant to section 22-46 of this article, will issue for each passenger vehicle for hire and limousine, a vehicle operating permit and numbered vehicle decal.

A vehicle decal shall be affixed to the inside lower left back windshield 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. Limousines, as defined in section 22-16 of this article, shall display a numbered vehicle decal on the left rear bumper of the vehicle for which the vehicle operating permit is issued, in plain view from a position located behind the vehicle. Any loss, destruction or defacement of the vehicle decal shall be reported to the passenger vehicle for hire manager.

No vehicle shall be operated without a vehicle decal affixed thereto and issued pursuant to this paragraph of this section unless, pursuant to this division, the vehicle's use as a passenger vehicle for hire or limousine has been authorized and the driver or chauffeur of the vehicle has been authorized to drive a passenger vehicle for hire or limousine 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 or limousine 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 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 or limousine 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 or chauffeur 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 or chauffeur.

(g) The company operating certificate holder shall, in the case of any change in business address or telephone number, notify the passenger vehicle for hire manager in writing of such change within forty-eight (48) hours prior to the effective date of the change.

(h) Before allowing a driver or chauffeur to operate under a company operating certificate, the company operating certificate holder shall review the qualifications of the driver or chauffeur to operate a passenger vehicle for hire or limousine. No company operating certificate holder shall permit or allow any driver or chauffeur to operate a passenger vehicle for hire or limousine under the company operating certificate if, after reasonable inquiry by the certificate holder, it appears the driver or chauffeur to operate a passenger vehicle for hire or limousine fails to comply with the provisions contained in this article.

The failure of a passenger vehicle for hire or limousine company to comply with this section shall subject the company's company operating certificate to revocation or suspension as provided in section 22-42(a)(1). Nothing herein shall be construed as establishing a standard for civil liability for the evaluation of prospective or current passenger vehicle for hire drivers or limousine chauffeurs and a violation of this section shall not be considered as evidence of negligence.

Sec. 22-33. Authorization to operate a 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) A person shall operate under the color scheme of a company operating certificate and use the company's depot or terminal, dispatcher service, radio equipment and meter;

(b) A person shall have a valid taxicab driver's permit issued by the passenger vehicle for hire manager, as provided for in Division 4 of this article;

(c) A person shall have a valid vehicle operating permit, as provided in Division 3 of this article, and the vehicle shall display a valid vehicle decal; and

(d) A person shall be affiliated with a company operating certificate holder at all times.

Sec. 22-34. Application requirements.

(a) All applications for a company operating certificate are to be submitted by the company owner, hereafter called applicant, on forms provided by the office of the passenger vehicle for hire stating as follows:

- (1) The name and address of each applicant and, in the event that an applicant is a corporation, attaching a certified copy of the articles of incorporation, or in the event that the applicant is an association, attaching a certified copy of the bylaws of the association.
- (2) The number of passenger vehicles for hire or limousines, 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 or limousine for which application for a company operating certificate is made.
- (5) Provide 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 twenty-four (24) hours a day, seven (7) days a week, with centralized dispatching (this provision shall not apply to company operating certificate holders operating fewer than ten (10) taxicabs and four (4) accessible vehicles);
 - c. Ability to provide adequate supervision of drivers and chauffeurs operating under the company operating certificate(s);
 - d. Evidence that the telephone number(s) of the passenger vehicle for hire company or limousine company will be listed in the next

Charlotte telephone directory to be issued and that all advertised services will, in fact, be provided;

- e. Assurance that each passenger vehicle for hire or limousine 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 or limousines required by section 22-32 (d) of this article; and
- g. Evidence that the applicant satisfies the insurance limits for passenger vehicles for hire or limousines required by section 22-113 of this article.

(7) 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 company operating certificate.

(8) In providing information required by subsections (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 with respect to the documents or information.

(b) *Reserved.*

Sec. 22-35. Hearing on application.

The city manager, or his or her 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 section 22-34.

Sec. 22-36. Issuance conditions; denial.

(a) The passenger vehicle for hire manager shall authorize issuance to every applicant who files an application, as herein provided, 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.

a. *Denial.* 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 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:

Sex offenses;
Felonious drug offenses;
Prostitution;
Felonies involving violence or attempted violence; and/or
Gambling.

Any applicant denied a company operating certificate under the provisions of this section may appeal such denial to the passenger vehicle for hire board. All appeals shall be filed pursuant to the provisions contained in section 22-43 of this article.

No application for a company operating certificate that is denied pursuant to the provisions of this section and the denial is affirmed by the passenger vehicle for hire board shall be accepted from the applicant within three (3) years from the decision of the passenger vehicle for hire board.

b. *Reserved.*

(2) The applicant thereof shall have complied with all the provisions of this article, including, but not limited to, the provisions of:

- a. A lawfully-zoned depot or terminal on private property;
- b. Radio-dispatched twenty-four (24) hours a day, seven (7) days a week service throughout the corporate limits of the City with centralized dispatching (this provision shall not apply to company operating certificate holders operating fewer than ten (10) taxicabs and four (4) accessible vehicles only);
- c. Adequate supervision of drivers and chauffeurs;

- d. Evidence that the telephone number(s) for the passenger vehicle for hire company or limousine company will be listed in the next Charlotte 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 or limousines required by section 22-32 (d) of this article; and
- g. Evidence that the applicant satisfies the insurance limits for passenger vehicles for hire or limousines required by section 22-113 of this article.

(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.

Sec. 22-37. 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 22-36, change without approval of the passenger vehicle for hire manager.

Sec. 22-38. 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 22-36 and compliance with the provisions of this article.

Sec. 22-39. Transfer.

(a) Each company operating certificate issued pursuant to the provisions of this division is separate and distinct and shall not be transferable by the company operating certificate holder to another person or entity without prior approval of the city manager, or his or her designee. The city manager shall not approve any transfer in conflict with any restrictions placed by the City Council, as provided by section 22-32(a) of this article.

(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 or her designee, for the transfer.

(c) If an application for transfer of a company operating certificate is made, the city manager, or his or her designee, shall require the same information required for the original issuance of the operating certificate, as set forth in section 22-34 of this article.

(d) Upon approval by the city manager to transfer a company operating certificate, the passenger vehicle for hire manager, within ninety (90) days of such approval, shall issue a new company operating certificate, provided that the applicant for transfer has complied with all the provisions of this section.

Sec. 22-40 -- 41. Reserved.

Sec. 22-42. Suspension and revocation - grounds specified; hearing provided.

(a) The passenger vehicle for hire manager may suspend or revoke a company operating certificate upon the occurrence of any one (1) of the following:

- (1) The company operating certificate holder fails to operate his or her passenger vehicle(s) for hire or limousine(s) in compliance with all the provisions 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 or her application for an operating certificate.

- (3) The company operating certificate holder ceases to operate any passenger vehicle for hire during a period of thirty (30) consecutive days.
 - (4) The company operating certificate holder ceases to operate any taxicab, during a period of thirty (30) consecutive days, for a minimum of twenty (20) days at least eight (8) hours a day, without 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 or her passengers.
 - (6) The company operating certificate holder ceases to operate the minimum number of passenger vehicles or limousines, as required by section 22-32(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 22-67, and due to acts of drivers or chauffeurs, pursuant to section 22-91 of this article.
- (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 22-22 of this article 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 forty-eight (48) hours advance notice of the hearing.
- (e) Company operating certificates may be suspended under this section for a period not to exceed six (6) 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 (6) months from the date of the revocation.

Sec. 22-43. Suspension and revocation - appeals.

(a) Upon a finding by the passenger vehicle for hire manager that a company operating certificate should be suspended or revoked, 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 by filing with the passenger vehicle for hire manager, within ten (10) 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 company operating certificate shall not become effective until ten (10) days after the decision is rendered. If an appeal is filed within this period, the suspension or revocation shall be stayed pending the final decision of the passenger vehicle for hire board.

Sec. 22-44. Suspension and revocation - procedure upon appeal.

Upon the filing of an appeal, the passenger vehicle for hire manager shall transmit the notice of appeal to the chairman of the passenger vehicle for hire board, who shall schedule a hearing as provided in section 22-103 of this article.

Sec. 22-45. Surrender.

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

Sec. 22-46. 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.

Secs. 22-47. Americans with Disabilities Act - compliance.

Each company operating certificate holder shall comply with all nondiscriminatory provisions of Title III of the Americans with Disabilities Act and shall certify compliance with the Act by affidavit at the time of the issuance or renewal of the company operating certificate. Persons seeking the issuance or renewal of more than one company operating certificate shall be required to submit only one (1) affidavit and certify compliance as to all company operating certificates to be issued or renewed. The passenger vehicle for hire manager may deny, suspend or revoke the company operating certificate(s) if the certificate applicant or holder submits, or causes to be submitted, any false or misleading information in the affidavit.

Secs. 22-48 -- 22-55. Reserved.

DIVISION 3. VEHICLE OPERATING PERMIT

Sec. 22-56. Required.

No person shall operate any passenger vehicle for hire or limousine in the City without first having obtained a vehicle operating permit for each vehicle to be operated that shall reflect that the vehicle is affiliated with a company operating certificate holder, that the vehicle is authorized for such operation and that the vehicle, otherwise, meets the requirements of this article.

Sec. 22-57. Issuance.

(a) The passenger vehicle for hire manager is authorized to issue vehicle operating permits to any applicant(s) subject to such conditions contained in this article and upon payment of a regulatory fee provided by section 22-71 of this article. A separate vehicle operating permit shall be required for each passenger vehicle for hire or limousine and shall be restricted by type(s) of service. Vehicle operating permits shall be valid for a period of one (1) 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 or limousine.

(d) Each vehicle operating permit shall specify the type of passenger vehicle for hire or limousine authorized to operate under the vehicle operating permit and each type of service the passenger vehicle for hire or limousine shall be authorized to provide. No passenger vehicle for hire or limousine 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 or limousine 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, in the case of any change in business address or telephone number, notify the passenger vehicle for hire manager in writing of the change within forty-eight (48) hours prior to the effective date of the change.

(g) Before allowing a driver or chauffeur to operate under a vehicle operating permit, the vehicle operating permit holder shall review the qualifications of the driver or chauffeur to operate a passenger vehicle for hire or limousine. No vehicle operating permit holder shall permit or allow any driver or chauffeur to operate a passenger vehicle for hire or limousine under his or her vehicle operating permit if, after reasonable inquiry by the vehicle operating permit holder, it appears such driver or chauffeur fails to meet the provisions contained 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 section 22-67(a)(1) of this article. Nothing herein shall be construed as establishing a standard for civil liability for the evaluation of prospective or current passenger vehicle for hire drivers or limousine chauffeurs and a violation of this section shall not be considered as evidence of negligence.

Sec. 22-58. Authorization to operate a taxicab under a vehicle operating permit.

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

(a) A person shall operate under the color scheme of a company operating certificate, use the company's depot or terminal, dispatcher service, radio equipment and meter;

- (b) A person shall have a valid taxicab driver's permit issued by the passenger vehicle for hire manager, as provided for in Division 4 of this article;
- (c) A person's vehicle shall display a valid vehicle decal; and
- (d) A person shall be affiliated with the company operating certificate holder at all times.

Sec. 22-59. Application requirements.

(a) All applications for a vehicle operating permit are to be submitted by the vehicle owner and the company operating certificate holder, hereafter called applicant, on forms provided by the passenger vehicle for hire manager stating as follows:

- (1) The name and address of each applicant and, in the event that an applicant is a corporation, attaching a certified copy of the articles of incorporation, or in the event that the applicant is an association, attaching a certified copy of the bylaws of the association.
- (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 or limousine subject to the application for a vehicle operating permit.
- (4) Provide 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.
- (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 of the City twenty-four (24) hours a day, seven (7) days a week with centralized dispatching (this provision shall not

apply to company operating certificate holders operating fewer than ten (10) taxicabs and four (4) accessible vehicles);

- c. Evidence of affiliation with a company operating certificate holder and that the telephone number(s) of the passenger vehicle for hire company or limousine company will be listed in the next Charlotte telephone directory to be issued and that all advertised services will, in fact, be provided;
- d. Assurance that the passenger vehicle for hire or limousine 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 or limousines required by section 22-113 of this article.

(6) 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, suspension or revocation of an operating permit.

(7) In providing information required by subsections (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.

(b) *Reserved.*

Sec. 22-60. Hearing on application.

The passenger vehicle for hire manager, or his or her 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 22-59 of this article.

Sec. 22-61. Issuance - conditions; denial.

(a) The passenger vehicle for hire manager shall authorize issuance to every applicant who files an application, as herein provided, a vehicle operating permit for the passenger vehicle for hire or limousine, 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.

a. *Denial.* 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:

Sex offenses;
Felonious drug offenses;
Prostitution;
Felonies involving violence or attempted violence; and/or
Gambling.

Any applicant denied a vehicle operating permit under the provisions of this section may appeal such denial to the passenger vehicle for hire board. All appeals shall be filed pursuant to the provisions contained in section 22-68 of this article.

No application for a vehicle operating permit that is denied pursuant to the provisions of this section and the denial is affirmed by the passenger vehicle for hire board, shall be accepted from the applicant within three (3) years from decision of the passenger vehicle for hire board.

b. *Reserved.*

- (3) The applicant thereof shall have complied with all the provisions of this article, including, but not limited to, the provisions of:

- 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 twenty-four (24) hours a day, seven (7) days a week with centralized dispatching (this provision shall not apply to company operating certificate holders operating fewer than ten (10) taxicabs and four (4) accessible vehicles only);
- c. Evidence of affiliation with a company operating certificate holder and that the telephone number(s) of the passenger vehicle for hire company or limousine company will be listed in the next Charlotte telephone directory to be issued and that all advertised services will, in fact, be provided;
- d. Assurance that the passenger vehicle for hire or limousine 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 or limousines required by section 22-113 of this article.

- (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 or limousine shall place said 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 or limousine, as required by section 22-32(e) of this article.

Sec. 22-62. Expiration.

All passenger vehicle for hire and limousine 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 22-61 of this article, change without approval of the passenger vehicle for hire manager. No person shall operate a passenger vehicle for hire or limousine within the City while his or her vehicle operating permit is expired.

Sec. 22-63. 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 22-61 and/or his or her compliance with the provisions of this article.

Sec. 22-64. Transfer.

(a) Each vehicle operating permit issued pursuant to the provisions of 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 or her designee, shall require the same information required for the original issuance of the vehicle operating permit, as set forth in section 22-59 of this article.

(c) Upon approval by the passenger vehicle for hire manager to transfer a vehicle operating permit, the passenger vehicle for hire manager, within ninety (90) days of such approval, shall issue a new vehicle operating permit, provided that the applicant for transfer has complied with all the provisions of this section.

Sec. 22-65. Reserved.

Sec. 22-66. Retirement and replacement of passenger vehicles for hire or limousines; new permits.

If a vehicle operating permit holder permanently retires a passenger vehicle for hire or limousine with a valid vehicle operating permit, within thirty (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 or limousine. 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 or limousine and the replacement of such passenger vehicle for hire or limousine does not exceed thirty (30) days; and, provided the replacement vehicle satisfies the provisions of this article.

Sec. 22-67. Suspension and revocation - grounds specified; hearing provided.

(a) The passenger vehicle for hire manager may suspend or revoke a vehicle operating permit upon the occurrence of any one (1) of the following:

- (1) The vehicle operating permit holder fails to operate his or her passenger vehicle(s) for hire or limousine(s) in compliance with all the provisions 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 or her application for an operating permit.
 - (3) The vehicle operating permit holder ceases to operate any passenger vehicle for hire during a period of thirty (30) consecutive days.
 - (4) The vehicle operating permit holder ceases to operate any taxicab, during a period of thirty (30) consecutive days, for a minimum of twenty (20) days at least eight (8) hours a day, without 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 or her 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 or chauffeurs, pursuant to section 22-91 of this article.
- (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 forty-eight (48) hours advance notice of the hearing.
- (d) Vehicle operating permits may be suspended under this section for a period not to exceed six (6) 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 22-22 of this article 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 (6) months from the date of revocation.

Sec. 22-68. Suspension and revocation - appeals.

(a) Upon a finding by the passenger vehicle for hire manager that a vehicle operating permit should be suspended or revoked, 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 by filing with the passenger vehicle for hire manager, within ten (10) 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 (10) days after the decision is rendered. If an appeal is filed within this period, the suspension or revocation shall be stayed pending the final decision of the passenger vehicle for hire board.

Sec. 22-69. Suspension and revocation - procedure upon appeal.

Upon the filing of an appeal, the passenger vehicle for hire manager shall transmit the notice of appeal to the chairman of the passenger vehicle for hire board, who shall schedule a hearing as provided in section 22-103 of this article.

Sec. 22-70. Surrender.

When a vehicle operating permit is revoked, the operation as a passenger vehicle for hire or limousine 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 or limousine from service and does not replace the retired vehicles within thirty (30) days and does not apply for a vehicle operating permit transfer as specified in section 22-64, the

vehicle operating permit for each retired passenger vehicle for hire or limousine 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 article.

Sec. 22-71. Fees.

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 or limousine. 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. Notwithstanding the above, reduced fees may be assessed for any accessible vehicle which provides accessible transportation services to individuals with disabilities.

Secs. 22-72 -- 22-81. Reserved.

DIVISION 4. DRIVER'S AND CHAUFFEUR'S PERMITS

Sec. 22-82. Required.

No person shall drive a passenger vehicle for hire or limousine within the City without first having obtained a passenger vehicle for hire driver's permit or limousine chauffeur's permit from the passenger vehicle for hire manager.

Sec. 22-83. Application requirements.

(a) Each applicant for a driver's permit or chauffeur'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 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 or her present address;
- (5) The applicant's place(s) of residence and employment for two (2) years immediately preceding the date of application; and
- (6) The applicant's court records.

(b) Three (3) recent photographs of the applicant conforming to the criteria for passport photographs shall be attached to each application.

(c) The applicant's fingerprints shall be impressed on each application form, in the space provided by the passenger vehicle for hire manager, under the direction of an agent of the passenger vehicle for hire manager.

(d) 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 shall be grounds for denial of a driver's permit or chauffeur's permit.

Sec. 22-84. Qualifications of applicant.

(a) Each applicant for a driver's permit or chauffeur's permit must meet the following requirements:

- (1) Be at least eighteen (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 or her unfit for safe operation of a passenger vehicle for hire or limousine;
- (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 or her good character from two (2) reputable persons

who have known him or her personally and observed his or her conduct during the year preceding the date of the application;

- (7) Possess a valid driver's license issued to him or her that authorizes the applicant to lawfully operate the passenger vehicle for hire or limousine;
- (8) Have permission from the company operating certificate holder and the vehicle operating permit holder to operate a passenger vehicle for hire or limousine under the company operating certificate and/or vehicle operating permit assigned to the passenger vehicle for hire or limousine company and the vehicle owner;
- (9) Produce, at applicant's expense, applicant's court records, including any criminal record of the applicant in 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 an applicant has successfully passed a drug test prior to employment or affiliation with a passenger vehicle for hire or limousine company;
- (11) Produce reliable documentation evidencing applicant's eligibility to be a passenger vehicle for hire driver or limousine chauffeur. 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; and
- (12) Have no more than eight (8) accrued points for motor vehicle violations pursuant to North Carolina General Statutes Section 20-16 during the previous two (2) years or any comparable provision of the law of another state; provided, however, this provision shall not apply to any driver or chauffeur holding a valid driver's or chauffeur's permit on the effective date of this ordinance.

(b) Each applicant must also inform the passenger vehicle for hire manager, in writing, if he or she 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 or chauffeur's permit. Failure to do so will result in the suspension or refusal to issue or renew a driver's or chauffeur's permit.

Sec. 22-85. Training of applicant.

Each company operating certificate holder shall require all passenger vehicle for hire drivers or limousine chauffeurs operating under the company's operating certificate to enroll in and successfully complete a training certification course from an approved list of courses maintained in the passenger vehicle for hire office. All new drivers of passenger vehicles for hire or chauffeurs of limousines shall comply with this section before the expiration of the probationary permit issued pursuant to section 22-87 of this article. All drivers having valid driver's or chauffeur's permits on the effective date of this ordinance shall comply with this section before the renewal of their driver's or chauffeur's permit. However, if the renewal date occurs sooner than one (1) year following the effective date of this ordinance, then, the driver or chauffeur shall not be required to comply with the provisions of this section until one (1) year from the date of the first renewal period after the effective date of this ordinance.

Sec. 22-86. Refusal; grounds specified.

(a) The passenger vehicle for hire manager may refuse to grant or renew a driver's permit or chauffeur's permit for any applicant:

- (1) Whose state motor vehicle driver's license has been revoked or suspended;
- (2) Who has committed, been convicted of or pled guilty or no contest to, within five (5) years immediately prior to the date of application, any of the following:
 - a. A felony (provided, the passenger vehicle for hire manager shall not issue a driver's permit or chauffeur's permit to any convicted felon who has not had his or her 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. Impaired driving under state law or any comparable provision of this law in any other state;
 - d. 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 (N.C.G.S. §§ 90-86 through 90-113.8) or the North Carolina Toxic Vapors Act;

- e. A violation of any City, County, State or Federal law relating to prostitution or gambling; or
- f. A violation of the Federal Immigration Act.

(3) Who has committed a material violation of section 22-20 of this article in operating a passenger vehicle for hire or limousine, or a violation of section 22-82 herein.

(4) Who, within a period of five (5) years immediately prior to the date of his or her application, has been an habitual violator of traffic laws, or an habitual user of 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 22-84 of this article.

(6) Who fails to pay a penalty required under section 22-22 of this article in a timely manner, as determined by the passenger vehicle for hire manager.

(7) Notwithstanding the above, an application for a driver's permit or chauffeur'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:

- Murder, including first degree and second degree;
- Voluntary manslaughter;
- Involuntary manslaughter;
- Felony death by vehicle;
- Felonious assaults and/or batteries;
- Robbery;
- Rape and other sex offenses; and/or
- Felonious drug offenses.

- a. Any applicant denied a driver's permit or chauffeur's permit under the provisions of this section may appeal the denial to the passenger vehicle for hire board pursuant to section 22-92 of this article. 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 or chauffeur's permit to the applicant.
- b. No application for a driver's permit or chauffeur's permit that is denied pursuant to the provisions of this section and the denial is affirmed by the passenger vehicle for hire board, shall be accepted from the applicant within three (3) years from the decision of the passenger vehicle for hire board.

Sec. 22-87. Issuance of permits and display; probationary period; expiration.

(a) The passenger vehicle for hire manager, upon finding that an applicant has satisfactorily complied with the provisions of this division, shall issue to the applicant a driver's permit or chauffeur's permit, which shall show the applicant's photograph, name, height, weight, age, the expiration date, the company operating certificate holder the driver or chauffeur is affiliated with and the vehicle operating permit holder.

(b) In addition to the information required in section 22-133 of this article, a copy of the driver's permit or a card containing the following: a current photograph of the driver, the driver's name, the name of the company operating certificate holder, the vehicle number, the name of the vehicle operating permit holder and the vehicle operating permit number, 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. The chauffeur's permit shall be kept on the person of the chauffeur 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 or her driver's permit and, upon the termination of a driver's agreement to drive for such company operating certificate holder, the driver shall surrender his or her permit to the passenger vehicle for hire manager within forty-eight (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 or chauffeur's permit for a period not to exceed sixty (60) days, pending receipt by the passenger vehicle for hire manager of the applicant's record, if any, from the Federal Bureau of Investigation.

(e) After the applicant has satisfactorily completed his or her 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 or chauffeur's permit, valid for one (1) year, that will expire on applicant's date of birth. No person shall operate a passenger vehicle for hire or limousine within the City while his or her driver's permit or chauffeur's permit is expired.

Sec. 22-88. Fees.

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

Sec. 22-89. Authority to suspend; third suspension, revocation mandatory.

The passenger vehicle for hire manager shall have the authority to suspend any driver's permit or chauffeur's permit issued under this division for any of the grounds specified in section 22-90 of this article or the permit holder's violation of any section of this article or the permit holder 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 thirty (30) days; provided, however, that no driver's or chauffeur's permit shall be reinstated unless the driver or chauffeur satisfies the provisions of section 22-84 of this article. A third suspension of a driver's permit or chauffeur's permit shall result in the mandatory revocation of such driver's permit or chauffeur's permit. No application for a driver's permit or chauffeur's permit will be accepted from an applicant within six (6) months of the date of revocation.

Sec. 22-90. Revocation - grounds generally.

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

- (a) 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:
 - (1) A violation of any federal, state or local law relating to the use, possession, manufacture or sale of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act

- (N.C.G.S. §§ 90-86 through 90-113.8); or the North Carolina Toxic Vapors Act;
- (2) A violation of any federal, state or local law relating to prostitution or gambling;
 - (3) An accumulation, under § 20-16 of the North Carolina General Statutes, within a three-year period, of twelve (12) or more points or eight (8) 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;
 - (4) Any felony;
 - (5) Any violation of a federal, state or local law designed for the protection of life;
 - (6) Any criminal assault involving the operation of a passenger vehicle for hire or limousine;
 - (7) Any sex offense or offense involving moral turpitude;
 - (8) Any of the offenses contained in section 22-86(a)(7) of this article; and/or
 - (9) A material violation of section 22-20 or a violation of section 22-82 of this article.
- (b) 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 or the North Carolina Toxic Vapors Act;
 - (c) Found by the passenger vehicle for hire manager to have made or caused to be made a false statement in his or her application for issuance or renewal of a driver's permit or chauffeur's permit;
 - (d) Does not continue to meet the qualifications for a driver's permit or chauffeur's permit as set forth in section 22-84 of this article;
 - (e) Found by the passenger vehicle for hire manager to have had his or her driver's permit or chauffeur's permit suspended three (3) times in any five (5) year period;

- (f) Found by the passenger vehicle for hire manager to have aided or abetted in the commission of any of the acts contained in sub-paragraph (a) 1, 2, 4, 5, 6, 7 or 8 of this section; or
- (g) Found by the passenger vehicle for hire manager to have failed to timely pay a penalty required under section 22-22 of this article.

Sec. 22-91. Revocation -- acts of drivers or chauffeurs.

(a) Upon a determination by the passenger vehicle for hire manager that a driver or chauffeur has committed, been convicted of or pled guilty or no contest to:

- (1) Any of the offenses specified in section 22-90 of this article; or
- (2) A violation of any provision of this article pertaining to the operation of passenger vehicles for hire or limousines; 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 or chauffeur was engaged in the operation of a passenger vehicle for hire or limousine or was engaged in some act related to the operation of a passenger vehicle for hire or limousine, the passenger vehicle for hire manager shall give notice of such determination to the driver or chauffeur and to the company operating certificate holder and vehicle operating permit holder under which the driver or chauffeur was operating.

(b) Upon the occurrence of three (3) determinations under paragraph (a) of this section against a driver or chauffeur in any twenty-four (24) month period, the driver or chauffeur and the vehicle operating permit holder under which the driver or chauffeur was operating shall be notified that one (1) additional determination against the driver or chauffeur within twelve (12) months after the date of the notice may result in suspension or revocation of the company operating certificate.

(c) Upon one (1) additional determination under paragraph (a) of this section by the passenger vehicle for hire manager against a driver or chauffeur within twelve (12) months after the date of the notice provided for in paragraph (b) of this section, the passenger vehicle for hire manager may suspend or revoke the company operating certificate and/or the vehicle operating permit under which the driver or chauffeur was operating, pursuant to the procedure provided in section 22-42(b) and Section 22-67(b).

Sec. 22-92. Appeal of manager's decision.

(a) The decision of the passenger vehicle for hire manager not to grant or renew a driver's permit or chauffeur's permit under section 22-86(a)(7) of this article shall be subject to an administrative appeal to the chairman of the passenger vehicle for hire board pursuant to the provisions contained in section 22-93 of this article.

(b) A decision by the passenger vehicle for hire manager not to grant or renew or to suspend or revoke a driver's permit or chauffeur's permit, and a determination by the passenger vehicle for hire manager under section 22-91 of this article, shall be subject to appeal to the passenger vehicle for hire board.

(c) 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 (10) 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.

(d) Upon the filing of an appeal, the passenger vehicle for hire manager shall transmit the notice of appeal to the chairman of the passenger vehicle for hire board who shall schedule a hearing as provided in sections 22-93 and 22-103 of this article.

(e) A decision by the passenger vehicle for hire manager to suspend or revoke a driver's permit or chauffeur's permit shall not become final until ten (10) 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 or chauffeur may continue to drive the passenger vehicle for hire or limousine pending the appeal unless:

- (1) The driver's permit or chauffeur's permit is suspended pursuant to section 22-90(a)(3) or 22-90(d) of this article or the state driver's license of the driver or chauffeur 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 or limousine by the driver or chauffeur would impose an immediate threat or danger to public health, safety or welfare.

If no appeal is filed within the allowed time, the holder of the driver's permit or chauffeur'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, chauffeur, applicant, company operating certificate holder or vehicle operating permit holder, as appropriate, notice of the right to appeal.

Sec. 22-93. Administrative appeal.

(a) There is hereby created an administrative appeal from a decision of the passenger vehicle for hire manager not to grant or renew a driver's permit or chauffeur's permit pursuant to the provisions contained in section 22-86(a)(7). 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 (10) days of the decision being appealed. An administrative appeal shall be conducted by the chairman of the passenger vehicle for hire board, or his or her designee. A decision by the passenger vehicle for hire manager not to grant or renew a driver's permit or chauffeur's permit shall not become final until ten (10) days after the decision is rendered.

If the appeal is filed within the ten (10) day period, the passenger vehicle for hire manager's decision shall be stayed pending the final decision of the chairman of the passenger vehicle for hire board. If no appeal is filed within the allowed time, the holder of the driver's permit or chauffeur's permit shall immediately surrender the permit to the passenger vehicle for hire manager.

(b) The chairman of the passenger vehicle for hire board shall schedule a hearing within three (3) working days of receipt of a notice of appeal. The hearing shall be held within ten (10) working days following the receipt of the notice of appeal. Notice of the time and place of the hearing shall be given to all parties.

In the event the party seeking the appeal desires a hearing on a date other than the date set by the chairman of the passenger vehicle for hire board, the party seeking the appeal may file a written request for a change of hearing date, setting forth reasons for the request and the chairman of the passenger vehicle for hire board is empowered to approve or disapprove the request. For good cause, the chairman of the passenger vehicle for hire board may set a hearing for a date not within the time period set forth above, or may continue the hearing from time to time.

(c) An appealing party may appear at the hearing in person and shall have the right to representation by a person of his or her choice. The chairman of the passenger vehicle for hire

board shall render a decision within four (4) working days of the date of the hearing. The decision of the chairman of the passenger vehicle for hire board shall be in writing.

(d) The chairman of the passenger vehicle for hire board will consider the public interest in his or her decision to grant or renew a driver's permit or chauffeur's permit. In rendering his or her decision, the chairman of the passenger vehicle for hire board shall consider, but not be limited to, the following;

- (1) The nature of the criminal offense;
- (2) The date of the criminal offense;
- (3) The criminal record of the applicant before and after the offense;
- (4) The employment history of the applicant before and after the offense;
- (5) The applicant's experience as a passenger vehicle for hire driver or limousine chauffeur;
- (6) The character of the applicant;
- (7) The applicant's involvement in community and/or civic activities; and
- (8) Any relevant evidence of reformation or rehabilitation.

(e) The decision of the chairman not to grant or renew a driver's permit or chauffeur's permit shall be appealable to the passenger vehicle for hire board within ten (10) days of the decision being appealed. Hearings before the passenger vehicle for hire board shall be *de novo*.

Sec. 22-94. Renewal.

The passenger vehicle for hire manager may renew a driver's permit or chauffeur's permit from year to year by appropriate endorsement thereon. The driver or chauffeur applying for a renewal of his or her driver's permit or chauffeur's permit shall make application in accordance with procedures established by the passenger vehicle for hire manager.

Sec. 22-95. Notification of criminal charges or change in driving status.

A driver or chauffeur 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 22-86 (a) of this article or if there is any change in his or her

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

Secs. 22-96 -- 22-100. Reserved.

DIVISION 5. PASSENGER VEHICLE FOR HIRE BOARD

Sec. 22-101. Created; composition; terms; compensation; vacancies; quorum; removal.

A passenger vehicle for hire board is hereby established, to be composed of eleven (11) members; five (5) appointed by City Council, three (3) appointed by the mayor and three (3) appointed by the city manager.

The City Council's appointments shall be as follows: one (1) shall be a company operating certificate holder, one (1) shall be a vehicle operating permit holder, one (1) shall be an individual user, one (1) shall be a representative of individuals with disabilities and one (1) shall be an individual from the hospitality/tourism industry.

The mayor's appointments shall be as follows: one (1) shall be a company operating certificate holder, one (1) shall be a driver or chauffeur and one (1) shall be an individual from the hospitality/tourism industry. The mayor shall designate one (1) of the members as chairman.

The three (3) 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.

A new passenger vehicle for hire board shall be appointed immediately upon the effective date of this ordinance and shall replace the previous taxicab board. All members of the passenger vehicle for hire board shall serve without compensation. Each initial mayoral appointee shall be appointed for a three (3) year initial term. Each initial City Council appointee shall serve an initial two (2) year term. Each initial city manager appointee shall serve an initial one (1) year term.

Upon the expiration of each initial term, all subsequent terms of office shall be for three (3) years, with no member serving more than two (2) 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.

Six (6) members shall constitute a quorum in order to conduct business or hearings. Any member who fails to attend at least seventy-five (75) percent of the regular and special meetings held by the passenger vehicle for hire board during any one-year period 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 herein provided. Notwithstanding the above, if a vacancy occurs in the chairman position, the mayor shall designate a new chairman who shall meet the requirements set out above.

Sec. 22-102. 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 22-42 of this article;
- (2) Appeals from suspensions or revocations of vehicle operating permits under section 22-67 of this article;
- (3) Appeals from decisions of the passenger vehicle for hire manager not to grant or renew driver's permits or chauffeur's permits under section 22-86 of this article;
- (4) Appeals from decisions of the passenger vehicle for hire manager to revoke driver's permits or chauffeur's permits under section 22-90 of this article;
- (5) Appeals from decisions of the passenger vehicle for hire manager to suspend driver's permits or chauffeur's permits under section 22-89 of this article;
- (6) Appeals from determinations of the passenger vehicle for hire manager under section 22-91 of this article;
- (7) Appeals from determinations of the chairman under section 22-93 of this article;
- (8) Appeals from arbitrations of fare disputes by the passenger vehicle for hire manager under section 22-132 of this article; and

- (9) 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, beginning with the first regular meeting of the newly appointed passenger vehicle for hire board under this ordinance.

A company operating certificate holder may petition the passenger vehicle for hire board for a mid-year 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 mid-year 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 and limousines 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 paragraph (b) shall not be subject to the review provided in section 22-103 of this article. Any rate schedules, fare zones and other charges established by this paragraph may be appealed solely to the City Council.

(c) Within two (2) years of the effective date of this ordinance and thereafter, at least once every three (3) 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 or chauffeur'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 or chauffeur'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 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. 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) Within two (2) years of the effective date of this ordinance, 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.

Sec. 22-103. Hearings.

(a) The passenger vehicle for hire manager shall, within twenty-four (24) hours of receipt, forward any appeal provided in section 22-102(a) of this article to the chairman 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 chairman 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 twenty-four (24) hours following the receipt of the notice of appeal, unless otherwise extended for good cause by the chairman of the passenger vehicle for hire board for a period of three (3) business days.

If the information submitted is insufficient, the chairman may return the appeal to the applicant for additional information without regard to paragraph (b) of this section. If a decision on the appeal cannot be made from the findings of fact or application of law, the chairman 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 passenger vehicle for hire board shall hold a hearing no more than twenty (20) working days from the receipt of the appeal. The chairman of the passenger vehicle for hire board shall give notice to all parties of the time and place for the hearing. In the event the party seeking the appeal desires a hearing on a date other than the date set by the passenger vehicle for hire board, the party seeking the appeal may file a written request for a change of hearing date, setting forth the reasons for such request. The chairman 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 (7) working days prior to the date set for the hearing.

For good cause, the chairman of the passenger vehicle for hire board may set a hearing on a date not within the time period set forth above, or may continue the hearing from time to time. The passenger vehicle for hire board shall render a decision on an appeal within five (5) working days after the date of the hearing.

(c) Any appealing party may appear at the hearing in person and shall have the right to representation by a person of his or her choice. The hearing shall be recorded and the 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 section 22-102(b) of this article, shall be subject to judicial review in a proceeding in the nature of certiorari instituted in the superior court of Mecklenburg County within thirty (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 following powers:

- (1) To affirm the decision of the passenger vehicle for hire manager;
- (2) To reverse the decision of the passenger vehicle for hire manager;
- (3) To suspend or revoke a company operating certificate, vehicle operating permit, driver's permit or chauffeur's permit;

- (4) To authorize the issuance or renewal of a company operating certificate, vehicle operating permit, driver's permit or chauffeur's permit; or
- (5) To 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 or chauffeur'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 or chauffeur's permit, who shall immediately, upon receipt of the passenger vehicle for hire board's decision, surrender his or her company operating certificate, vehicle operating permit and vehicle decal, driver's permit or chauffeur'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 or chauffeur's permit to the passenger vehicle for hire manager.

Secs. 22-104 -- 22-110. Reserved.

DIVISION 6. OPERATION

Sec. 22-111. Registration and all proper permits necessary.

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

Sec. 22-112. Compliance - state law, ordinances, etc.

(a) Every passenger vehicle for hire or limousine shall be operated in accordance with the laws of this state and the ordinances of this City and with due regard for the safety,

comfort and convenience of passengers, for the safe and careful transportation of property and for the safety of the general public.

(b) A passenger vehicle for hire or limousine 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.

Sec. 22-113. Financial responsibility.

(a) No person shall operate or cause to be operated any taxicab or other passenger vehicle for hire or limousine over the streets of the City without first furnishing proof of financial responsibility as defined in § 20-280 of the North Carolina General Statutes, any superseding statute or any higher limits established by the City. Taxicabs shall fully comply with all remaining requirements of § 20-280 of the North Carolina General Statutes. If the passenger vehicle for hire or limousine 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 or limousine.

(b) Any vehicle owner or person owning or causing any passenger vehicle for hire or limousine 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 said cancellation. Failure to notify the passenger vehicle for hire manager of a cancellation of insurance on a passenger vehicle for hire or limousine shall result in the immediate revocation of the vehicle operating permit of the vehicle for a period of thirty (30) days.

(c) The insurance company issuing any policy required by this section shall give the passenger vehicle for hire manager not less than thirty (30) days advance written notice of any cancellation, reduction in coverage or other material change in the policy.

Sec. 22-114. Policies of insurance to be filed with the passenger vehicle for hire manager.

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

Sec. 22-115. Operation standards.

Subsequent to the receipt of a company operating certificate holder or a vehicle operating permit to operate a passenger vehicle for hire or limousine, a company operating certificate holder or a vehicle operating permit holder shall continue to meet the requirements of sections 22-34, 22-36, 22-59 and 22-61 of this article as a condition to retaining such certificate or permit.

Sec. 22-116. Insurance - liable regardless of operator.

(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 or limousine hereunder, 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 thereunder to the full amount thereof notwithstanding any recovery thereon.

Sec. 22-117. Terms between owner and driver and chauffeur regulated.

(a) Any passenger vehicle for hire or limousine 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 the provisions of this article.

(b) A company operating certificate holder may enter into any contract, lease agreement or understanding with any driver or chauffeur, as an independent contractor, by the terms of which such driver or chauffeur pays to the company operating certificate holder a fixed or determinable sum per day for the use of the passenger vehicle for hire or limousine 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 or limousine 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 or chauffeur.

(d) The agreement must impose a condition that the driver or chauffeur 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 herein contained 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.

Sec. 22-118. Duty of company operating certificate holder and vehicle operating 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 and chauffeurs, their license numbers and addresses, and shall, within forty-eight (48) hours after receiving notice of any change in such information, report the change or changes to the passenger vehicle for hire manager.

(b) In the instance where 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 or her 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 or limousines operated by them. It is the intent of this article to impose such responsibilities upon each vehicle operating permit holder.

Sec. 22-119. Drivers' and chauffeurs' daily manifests to be kept; right of inspection by police and passenger vehicle for hire manager.

(a) Every owner and driver of a passenger vehicle for hire and every owner and chauffeur of a limousine shall maintain a daily manifest of calls received from persons requesting transportation. Every driver or chauffeur of every passenger vehicle for hire or limousine 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 or chauffeur to the company operating certificate holder.

(b) Every company operating certificate holder and vehicle operating permit holder shall retain and preserve all drivers' and chauffeurs' manifests by vehicle operating permit number, in a safe place for at least ninety (90) days, and the same shall be made available upon demand for inspection by the passenger vehicle for hire manager or any Charlotte-Mecklenburg Police Department officer.

Sec. 22-120. Drivers' and chauffeurs' tags required; dress restrictions.

(a) Each driver and chauffeur shall wear in plain view a tag containing his or her name and the name of his or her company. The size, lettering and other features of the name tag shall be approved by the passenger vehicle for hire manager.

(b) Each driver and chauffeur shall wear clean clothing consisting of shoes, a collared shirt, pants, ankle 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 writings or logos except the passenger vehicle for hire or limousine company's name and logo. Short pants are not permitted.

Sec. 22-121. Accidents to be reported.

All accidents involving the operation of a passenger vehicle for hire or a limousine shall be reported to the passenger vehicle for hire manager within twenty-four (24) business hours from the accident. The company operating certificate holder for the passenger vehicle for hire or limousine involved in an accident shall 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 or limousine 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.

Sec. 22-122. Occupants of passenger vehicles for hire.

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

Sec. 22-123. Failure to provide service; length of time.

Except as provided in section 22-20(j) of this article, no driver or chauffeur shall refuse, fail or neglect to provide passenger vehicle for hire or limousine service to any person following any call, demand or prearrangement.

At the time an individual requests passenger vehicle for hire service or limousine service, he or she shall be advised of the probable time of delay, if service is not expected to be available within fifteen (15) minutes of the request or prearrangement.

Sec. 22-124. Limitation on hours of driving.

It shall be unlawful for any driver of any passenger vehicle for hire or chauffeur of a limousine to continue on active passenger vehicle for hire or limousine duty for more than sixteen (16) hours, meal time included, during any twenty-four (24) hour period. Each driver or chauffeur shall enter the time of commencing active duty and ending active duty on the manifest required in section 22-119 of this article.

Secs. 22-125 -- 22-130. Reserved.

DIVISION 7. RATES AND CHARGES AND POSTING REQUIREMENTS

Sec. 22-131. Rates and charges.

(a) Rates to be filed - passenger vehicles for hire, except taxicabs. Each applicant for a company operating certificate for a passenger vehicle for hire 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) Rates and fare zones - taxicabs. All rates and fare zones for taxicabs shall be established by the passenger vehicle for hire board, as set forth in section 22-102(b) of this article.

(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 fifteen (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 mid-year change in the rates which must be filed with the passenger vehicle for hire manager at least fifteen (15) days before the effective date. Changes in the rates for taxicabs shall be governed by section 22-102(b) of this article.

Sec. 22-132. Disputes.

All disputes arising between the passenger and the driver or chauffeur as to fares shall be arbitrated by the passenger vehicle for hire manager within twenty (20) days of a complaint, and both passenger and driver or chauffeur shall comply with the passenger vehicle for hire manager's determination. Upon the request of the passenger vehicle for hire manager, the 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.

Sec. 22-133. Posting requirements.

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

eighteen-point type. The rates and the driver's permit, in addition to the information required by section 22-87(b) of this article, 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 City of Charlotte's passenger vehicle for hire manager and shall include the mailing address and telephone number of the passenger vehicle for hire office. Limousines, as defined in section 22-16 of this article, 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 City of Charlotte's 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.

Sec. 22-134. No extra charge for assisting the disabled, handling wheelchairs or walkers.

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.

Sec. 22-135. No extra charge for handling baggage; reasonable charge for trunks.

No extra charge shall be made for the transportation of ordinary hand baggage carried by a passenger. Trunks and other bulky packages accompanying a passenger or passengers 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 section 22-131(a) of this article or as approved by the passenger vehicle for hire board pursuant to section 22-102(b) of this article and printed on the rate card. Trunks and packages not accompanying passengers are not governed by this article. More than three (3) 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 section 22-131(a) of this article or approved by the passenger vehicle for hire board pursuant to section 22-102(b) of this article.

Sec. 22-136. 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 22-131 of this article. No person shall ride in any passenger vehicle for hire and willfully refuse to pay the fare prescribed therefore by law; provided, this section 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 or chauffeur of a limousine shall deliver to the passenger an accurate, legible receipt showing the passenger vehicle for hire's or limousine's vehicle operating permit number, the passenger vehicle for hire's or limousine's company name, the driver's or chauffeur's permit number, the date and the amount of fare paid. Refusal on the part of the driver or chauffeur to deliver such receipt upon request shall constitute a defense on behalf of a passenger charged with violating paragraph (a) of this section.

Secs. 22-137 -- 22-144. Reserved.

DIVISION 8. SPECIFICATIONS AND EQUIPMENT

Sec. 22-145. All passenger vehicles for hire or limousines must conform to the provisions of this article.

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

Sec. 22-146. General vehicle requirements.

(a) All passenger vehicles for hire shall satisfy the vehicle age requirements contained in this section. Except as permitted in section 22-19(a)(4) of this article, five (5) years from the effective date of this ordinance, 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 is no older than seven (7) years;
- (2) The passenger vehicle for hire manager is satisfied with the condition of the passenger vehicle for hire; and
- (3) Once the vehicle exceeds seven (7) years in age, it shall be removed immediately from passenger vehicle for hire service.

(b) All passenger vehicles for hire or limousines shall be clean, operable and in good repair. Trunks in all passenger vehicles for hire or limousines shall be clean and empty except for one (1) spare tire and necessary emergency equipment.

(c) Each taxicab must have a minimum of three (3) doors, two (2) doors allowing entry to the driver's compartment of the vehicle and one (1) door allowing entry to the

passenger's compartment of the vehicle. Notwithstanding the above, all doors of passenger vehicles for hire or limousines 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 or limousine 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 or limousine to the extent required as original equipment by the federal government.

Sec. 22- 147. General maintenance and equipment requirements.

(a) Every vehicle used as a passenger vehicle for hire or limousine shall meet the requirements of this section. If the passenger vehicle for hire manager finds that a vehicle does not meet the following requirements, he or she may order that such vehicle be removed from passenger vehicle for hire or limousine service. The requirements are:

- (1) Conformance to manufacturer's specifications. The vehicle body shall conform to the general specifications of the manufacturer.
- (2) Exterior paint work. All exterior paint work shall be maintained in good condition, free of substantial rust, dents, scratches, chips and abrasions.
- (3) Springs. The springs or other material used to support the seating area of the passenger shall be maintained in a manner to insure safe and comfortable seating to the passenger.
- (4) Suspension components. All suspension components affecting the ride and safety of the vehicle shall be maintained such that they comply with the manufacturer's specifications.
- (5) Windshields, windows. All windshield and window glass shall be maintained free from cracks, scratches, pitting, abrasions, or any other condition that reduces clarity of vision below the level specified by the manufacturer. Windows shall not rattle and shall not be difficult to open or close.

- (6) **Safety.** All passenger vehicles for hire and limousines must be inspected at an authorized state vehicle station every twelve (12) months. The vehicle must meet the state's vehicle safety inspection requirements at all times.
- (7) **Meter.** Every taxicab shall be equipped with a meter of a size and design approved by the passenger vehicle for hire manager and which conforms substantially to the following specifications:
 - a. A meter is a mechanical or electronic instrument or device by which the charge for hire of a taxicab is calculated either by distance traveled or for waiting time, or both, and the charges shall be indicated by means of legible figures which are electrically lit each time the meter is turned on.
 - b. Other than a fare zone authorized under sections 22-102(b) and 22-131(b), all meters shall register upon visual counters the amount of the fare.
 - c. Each meter must be driven either directly from the taxicab transmission or the speedometer driving shaft to the meter head itself, using a flexible shaft and a flexible housing so connected and sealed as to be tamper-proof.
 - d. No person shall use or permit to be used in any taxicab meter that charges higher than five (5) percent or less than ten (10) percent of the correct fare.
- (8) **Top light.** Every taxicab shall be equipped with a top light of a design approved by the passenger vehicle for hire manager and which is equipped with a tamper proof switch and system of electrical distribution so that when the taxicab is vacant, the vacant sign on the top of the taxicab will be lit and when the taxicab is occupied, the fare indicator on the meter will be lit, and at the same time, a light located elsewhere on the taxicab will be lit.
- (9) **Heater and air-conditioner.** The passenger vehicle for hire or limousine must be equipped with an operating heater and an operating air-conditioner, except an operating air conditioner shall not be required for a limousine that is classified as an antique limousine (a limousine that is at least twenty-five (25) years old) unless the vehicle is equipped with air conditioning.

- (10) Headlights, tail lights and parking lights. All such lighting equipment must function properly and shall not be broken or cracked.
- (11) Accessible vehicle equipment for persons with disabilities. All equipment on vehicles serving disabled persons, such as wheelchair ramps, tiedowns, safety belts and wheelchair lifts shall be properly maintained so the equipment continues to comply with the standards required by the Americans with Disabilities Act and manufacturer's specifications.

Sec. 22-148. 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 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, then the right front seat cannot be occupied by a passenger.

Sec. 22-149. Color schemes for taxicabs and other passenger vehicles for hire.

(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 rates 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 at least four (4) inches high on the side and at least six (6) inches high on the rear. 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.

(c) Colors of paint used for lettering and numbering shall be of sharp contrast with the color of the surface paint to which they are applied, so as to be evenly visible at a reasonable distance, especially at night with street lights. Lettering or numbering shall not be acceptable where it has been painted upon sheet metal 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.

Sec. 22-150. 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 (3) inches by ten (10) inches, with two (2) inch high letters, black on white background. The "vacant" inscription shall be placed on one side and "off-duty" on the reverse, if 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.

Sec. 22-151. Radios, television sets, prohibited; exception.

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

Secs. 22-152 -- 22-159. Reserved.

DIVISION 9. INSPECTION AND MAINTENANCE OF EQUIPMENT

Sec. 22-160. 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, the passenger vehicle for hire or limousine 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 or limousine complies with the provisions of this article.

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

(c) Any passenger vehicle for hire or limousine that is found after inspection to be unsafe for passenger vehicle for hire or limousine service 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.

Sec. 22-161. Passenger vehicle for hire or limousine found unsafe by company operating certificate holder and/or vehicle operating permit holder to cease operation until repairs are made.

Any passenger vehicle for hire or limousine found by the company operating certificate holder and/or vehicle operating permit holder to be unsafe for passenger vehicle for hire or limousine 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 or limousine until all such repairs and alterations have been completed. All repairs and alterations to any passenger vehicle for hire or limousine removed from service pursuant to the provisions of this section shall be approved by the passenger vehicle for hire manager.

Sec. 22-162. Duty of owner to clean passenger vehicle for hire or limousine.

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

Secs. 22-163 -- 22-169. Reserved.

DIVISION 10. AIRPORT SERVICE

Sec. 22-170. Unauthorized operation.

(a) No passenger vehicle for hire or limousine shall operate at the airport unless the passenger vehicle for hire or limousine company it is associated with has obtained a current airport passenger vehicle for hire permit for said vehicle as a result of entering into an airport operating agreement. Such airport operating agreements shall be entered into annually, require the payment of appropriate fees and obligate the passenger vehicle for hire or limousine company and permitted vehicle to adhere to certain standards of operation at the airport. Airport passenger vehicle for hire permits may be revoked or may not be renewed if there is a failure of the passenger vehicle for hire or limousine company to comply with the terms of the agreement.

(b) All drivers or chauffeurs 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 or limousine services throughout the City and shall otherwise comply with all the provisions 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 22-43 of this article do not apply to the suspension or revocation of an airport passenger vehicle for hire permit.

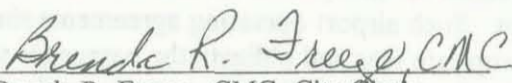
Sec. 22-171. Drivers.

(a) The aviation director, or his or her designee, shall have the authority to prohibit any driver or chauffeur from transporting passengers from the airport terminal if he or she finds that the person has violated any provision of:

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of May, 2000, the reference having been made in Minute Book 114, and recorded in full in Ordinance Book 50, Page(s) 243-316.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 2000.


Brenda R. Freeze, CMC, City Clerk

ORDINANCE NUMBER: 1541-X

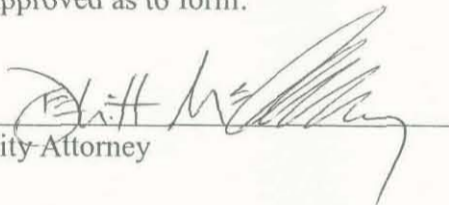
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AN ORDINANCE TO AMEND ORDINANCE NUMBER 1313-X, THE 1999-2000 BUDGET
ORDINANCE, PROVIDING AN APPROPRIATION FOR FEDERAL ECONOMIC
DEVELOPMENT INITIATIVE (EDI) GRANT FUNDS

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

- Section 1. That the sum of \$1,250,000 is hereby estimated to be available from an Economic Development Initiative (EDI) Grant from the Department of Housing and Urban Development for development along the Wilkinson Boulevard corridor.
- Section 2. That the sum of \$1,250,000 is hereby appropriated to the Neighborhood Development budget in the Neighborhood Development fund 6807.
- Section 3. That the existence of this program may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.
- Section 4. It is the intent of this ordinance to be effective upon its adoption.

Approved as to form:

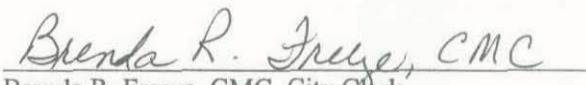


City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of May, 2000, the reference having been made in Minute Book 114, and recorded in full in Ordinance Book 50, Page(s) 317.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of May, 2000.



Brenda R. Freeze, CMC, City Clerk