

**ORDINANCE #120605.01**  
**AN ORDINANCE TO AMEND TITLE XI OF THE BOILING SPRINGS'**  
**CODE OF ORDINANCES, "BUSINESS REGULATIONS"**

**BE IT ORDAINED** by the Board of Commissioners of the Town of Boiling Springs, North Carolina that:

**Part 1.** Title XI of the Town of Boiling Springs' Code of Ordinances is hereby amended to read:

**§ 115.01 DEFINITIONS**

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

***CRUISING.*** The movement of taxicabs containing only the driver thereof over the public streets in search of or soliciting prospective passengers for hire; except that such taxicabs proceeding to answer a telephone call for taxicab service from an intended passenger, and taxicabs returning by the most direct route, after having discharged a passenger, to the garage where such taxicab is housed or to its depot or terminal nearest to the place of discharge of the passenger, shall not be considered to be cruising.

***OPERATOR OF A BUSINESS INVOLVING VEHICLES FOR HIRE.*** An owner or manager of a business, other than one, all of whose vehicles are regulated under G.S. Ch. 62, operated by a regional transportation authority created or operating under G.S. Ch. 160A, Art. 26 or 27, or any transportation service operated by a governmental entity, which involves one or more vehicles for hire operated at any time within the corporate limits of the town, including a taxicab business, whether or not the individual actually drives the vehicle, and whether or not the business is engaged in other activities. If the business is owned by a corporation, it shall be every person given corporate authority for making decisions regarding the day to day functioning of the business. If the business is owned by a limited liability company, it shall be every member-manager of the limited liability company.

***TAXICAB.*** Any motor vehicle seating nine or fewer passengers operated upon any street or highway on call or on demand, accepting or soliciting passengers indiscriminately for hire between points along streets or highways as may be directed by the passenger so being transported.

***VEHICLE FOR HIRE.*** Any motor vehicle, including, but not limited to, a taxicab, accepting or soliciting one or more passengers for hire between any two locations, during at least a portion of which it is operated upon a public street or highway, other than those vehicles regulated under G.S. Ch. 62, vehicles owned and operated by a regional transportation authority created or operating under G.S. Ch. 160A, Art. 26 or 27, or vehicles owned and operated by a governmental entity.

### **§ 115.02 COMPLIANCE**

It shall be the duty of every owner of a taxicab or taxicab company to comply with the provisions of this article and to require that all drivers or chauffeurs driving or proposing to drive a taxicab for such owner adhere to and at all times conform to the requirements of this article.

### **§ 115.03 PERMIT REQUIRED**

Every operator of a business involving vehicles for hire is required to obtain a permit from the town prior to operating the business. Every driver of a vehicle for hire, including a taxicab, operating over any public street within the corporate limits of the town is required to obtain a permit from the town prior to engaging in the activity.

### **§ 115.03 APPLICATION**

The application required of each applicant to operate a business involving vehicles for hire or to drive a vehicle of hire, including a taxicab, shall be made upon a form furnished by the town for that purpose and shall, among other things, require the full name, any other name by which the person has been known, complete physical and mailing address, physical condition, physical description, full name and contact information for every former employer within the last ten years, court record, chauffeur's license number, if applicable, and other identifying information as may be needed to conduct a state or national background check. The application shall be signed and sworn to by the applicant in front of a Notary Public of North Carolina.

Each applicant shall further appear at the office of the Police Department for the purpose of having his or her fingerprints taken and photograph made, both of which shall constitute a part of the application. Each applicant shall be required to sign a form consenting to the check of his or her criminal record and to the use of the fingerprints and other identifying information required by the state or national repositories in order to conduct the check.

### **§ 115.03 INVESTIGATION**

The Chief of Police or his or her designee shall investigate the facts stated in each application and, in addition, may subject an applicant to a national criminal history background check, including through the use of FBI records. All information collected pursuant to the investigation shall be privileged, in accordance with applicable state law and federal guidelines, and the information shall be confidential and shall not be a public record under G.S. Ch. 132. The applicant must pay the fee, if any, for any background check.

The Chief of Police or designee may also require an applicant to submit to a controlled substance examination for which the applicant must pay the actual costs. Following his or her investigation, the Chief of Police or his or her designee shall report his or her findings and recommendations to the Board of Commissioners, but any privileged or confidential information shall only be shared with the Board of Commissioners in a properly called closed session.

### **§ 115.03 COMPLIANCE INSPECTIONS**

Any person issued a permit under this chapter shall allow random inspections by the Chief of Police or his or her designee of any vehicle currently available for hire. The inspections shall be for the following purposes:

(A) To ensure that the vehicle is maintained in a safe and sanitary condition; provided, the inspections shall not be considered a substitute for required state safety inspections, and shall not constitute a guarantee or assurance to any person by the town that a vehicle for hire is safe or sanitary; and

(B) To ascertain compliance with this chapter, including, but not limited to:

(1) Determining that the permit, schedule of fares and a photograph of the driver are displayed as required;

(2) Determining that there is a permanent sign at a conspicuous place on each taxicab or vehicle for hire showing that it is a taxicab or vehicle for hire;

(3) Determining that the vehicle's state safety inspection is current; and

(4) Determining that the driver of the vehicle is in possession of a valid driver's license, registration and proof of insurance.

#### **§ 115.04 IDENTIFICATION OF VEHICLES**

Every taxicab which shall operate on the streets shall have posted, painted or placed on the outside of the body of such vehicle, in lettering not less than two inches in width, the name of the owner or operator of the vehicle. Such taxicab may be operated under an emblem or trade name of the same size and similarly placed on the outside of the body of the taxicab when the true name of the owner shall have been filed in writing with the Town Clerk.

#### **§ 115.05 STAND/TERMINAL REQUIRED**

Every taxicab operated on the streets of the Town shall have a stand or terminal on private property; and no taxicab shall be permitted to use the public streets in the Town except for the purpose of transporting, loading and unloading passengers and their baggage, and for the purpose of returning to such taxicab stand or terminal by the most direct route.

#### **§ 115.06 SOLICITING BUSINESS; CRUISING**

No taxicab driver or employee of any such driver or owner, or any other person shall solicit patrons by word of mouth at or in front of any store, on any street corner, at any street intersection, or on any public street, square, alley or sidewalk within the Town. Cruising within the Town is prohibited.

#### **§ 115.07 DISPLAY OF PERMIT, SCHEDULE OF FARES, DRIVER'S PHOTO**

All drivers and operators of businesses involving vehicles for hire shall prominently display in each vehicle for hire, so as to be visible to the passengers, the permit, the schedule of fares and a photograph of the driver.

### **§ 115.03 REVOCATION**

At any time after the issuance of a permit to any person to operate a business involving vehicles for hire or to drive a vehicle for hire, the Board of Commissioners may revoke the permit:

(A) If the person holding the permit, or any driver employed by the person is convicted of a felony; or

(B) The person holding the permit, or any driver employed by the person:

(1) Violates any federal or state statute relating to the use, possession or sale of intoxicating liquors;

(2) Violates any federal or state statute relating to the use, possession or sale of narcotic drugs;

(3) Repeatedly violates any traffic laws or ordinances;

(4) Violates any state or federal statute relating to prostitution;

(5) Becomes an habitual user of intoxicating liquors or narcotic drugs;

(6) The operator of the business fails to maintain a policy of liability insurance as required by G.S. § 20-280 and this chapter; or

(7) Refuses to submit to a random compliance search pursuant to § 115.03, or upon inspection, the Chief or his or her designee determines that a vehicle currently available for hire is not being maintained in a safe or sanitary condition.

### **§ 115.08 NON-TRANSFERABILITY OF PERMIT**

A permit issued under this chapter is not transferable

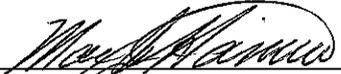
### **§ 115.08 OPERATION OF TAXICABS FROM OUTSIDE OF TOWN**

A person driving a taxicab for which no city license and certificate of public convenience and necessity has been issued, and which is operated from a place of business not in the Town, may bring passengers into the Town; but shall not solicit any passengers for any destination within or without the Town.

**Part 2.** All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Part 3.** This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Boiling Springs, North Carolina.

**ADOPTED** this the 5<sup>th</sup> day of June 2012.

**SIGNED:**   
Max J. Hamrick, Mayor

**ATTEST:**   
Kim Greene, Town Clerk

