

Chapter 54 - VEHICLES FOR HIRE

Footnotes:

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Cross reference— *Businesses, ch. 14; streets, sidewalks and other public places, ch. 46; traffic, ch. 50.*

ARTICLE I. - IN GENERAL

Secs. 54-1—54-30. - Reserved.

ARTICLE II. - TAXICABS

DIVISION 1. - GENERALLY

Sec. 54-31. - 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:

Call or *demand* means transportation arrangements made indiscriminately and instantaneously with a request for service which shall include, but shall not be limited to, the hailing of a taxicab, passenger vehicle for hire or any other oral request for a taxicab, passenger vehicle for hire service made from a public street location, airport terminal roadway or public vehicular area as the pickup. No passenger vehicle for hire, other than a taxicab, shall engage in cruising or be operated on call or demand.

Certificate means a certificate of public convenience and necessity issued by the city council authorizing the holder thereof to conduct a taxicab business in the city.

Cruising means the movement of a passenger vehicle for hire over public streets, airport terminal roadways or public vehicular areas in search of passengers or for the purpose of attracting passengers. No passenger vehicle for hire, other than a taxicab, shall engage in cruising or be operated on call or demand.

For hire means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, remuneration or profit is paid to, accepted by, or received by the driver or an employee or the company operating certificate holder operating any passenger vehicle for hire in exchange for the temporary use by or for the transportation of a person as a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge.

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

Limousine service means the service regularly rendered to the public, not over fixed routes, which furnishes transportation by limousines for hire, based on a fee determined by increments of time and contracted for by telephone or other prearrangement with a limousine company.

Manifest means a daily record, prepared by the owner, of all trips made by the taxicab which the company operates, showing time and place of origin and destination of each trip and the amount of fare.

Operator means any person responsible for the operation, management and/or oversees the taxicab service.

Owner means any person to whom a certificate of public convenience and necessity has been issued under this article.

Passenger vehicle for hire means any vehicle (including limousines), which is operated by a driver and provides for hire transportation services, as defined in this section. A passenger vehicle for hire shall not include motor vehicles or motor vehicle carriers as defined in G.S. 62-259—62-279 or hotel courtesy vehicles that provide transportation services solely to patrons of the hotel. No passenger vehicle for hire, other than a taxicab, shall engage in cruising or be operated on call or demand.

Prearrangement means an agreement to provide transportation by registration in advance of boarding from a specific location by a nonmetered passenger vehicle for hire. Rates will be established in one-hour increments for a minimum of a one-hour period without regard to whether the trip requires less than one hour or not or by specific written contract. The key factor in determining the cost of a prearranged non-metered passenger vehicle for hire service shall be the length of time the vehicle is in use, measured in hourly increments or an agreed-upon fixed rate by written contract. Prearrangement does not include the hailing or other oral request for immediate transportation service from a public street location or public vehicular area as the pickup location.

Shuttle van means any passenger vehicle for hire that provides shuttle transportation to passengers to or from prescribed locations such as hotels, motels, shopping centers, business or commercial buildings, factories, stadiums, coliseums or theaters by prearrangement for a fee, pursuant to a contract or agreement, and that does not accept or discharge passengers indiscriminately between prescribed locations. No shuttle van shall engage in cruising or be operated on call or demand.

Taxicab means any motor vehicle seating nine or fewer passengers and driver operated for hire upon any street on call or demand.

Taxicab inspector means the person(s) designated by the chief of police who is charged with the duties required under this chapter, including the inspection and licensing of taxicabs and the drivers thereof.

Taxi meter means any mechanical or electrical device which records and indicates a charge or fare calculated according to distance traveled, waiting time, traffic delay, initial charge, number of passengers and other charges authorized by this chapter or any combination of any such charges.

(Code 1971, § 30-1; Ord. No. 01-1064, § 1, 10-4-01; Ord. No. 10-1257, § 1, 12-2-10)

Cross reference— Definitions generally, § 1-2.

Sec. 54-32. - Compliance with article and other ordinances.

- (a) It shall be the duty of every owner, operator or driver of a taxicab to comply with the laws of this state and provisions of this article and to ensure that every taxicab is operated with due regard to the safety, comfort and convenience of the passengers, for the safe and careful transportation of property and for the safety of the general public and 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.
- (b) It shall be unlawful for any person to drive or operate any taxicab upon the streets of the city in violation of the provisions of this article or any other ordinance of the city. It shall likewise be unlawful for any owner or operator of a taxicab to knowingly permit or cause to be driven or operated upon any of the streets or other public ways of the city any taxicab belonging to such owner or operator by any driver or chauffeur who has not complied with or who violates any of the provisions of this article or any of the ordinances of the city.

(Code 1971, § 30-2; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-33. - Taxicab inspector.

The chief of police is hereby authorized to designate a regular, full-time member of the city police force as city taxicab inspector, whose duties shall be as prescribed in this article.

(Code 1971, § 30-3)

Sec. 54-34. - Insurance or other security.

Every person operating taxicabs within the corporate limits of the city, other than taxicabs operated under the jurisdiction of the utilities commission of the state, shall furnish and keep in effect, for each taxicab operated, a policy of insurance which shall at all times be subject to the approval of the city

manager. Such policy of insurance shall be in the amount established by state law, and conditioned on such operator responding in damages for any liability incurred on account of any injuries to persons resulting from the operation of such taxicab. Such policy of insurance shall be filed with the city clerk.

(Code 1971, § 30-4; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-35. - Inspection of vehicles.

- (a) It shall be unlawful for any person to operate a taxicab in the city without first having the same inspected by the taxicab inspector and found to be in compliance with the requirements of this article, the state's vehicle safety inspection requirements and are capable of providing safe and sanitary transportation. The taxicab inspector shall require reasonable and regular inspection of each and every taxicab operated in the city not less often than every six months, and at any other time deemed appropriate by the chief of police or his designee.
- (b) If, after inspection, any vehicle is found to be unsafe, unsanitary or does not conform with this chapter, written notice shall be given by the taxicab inspector to the owner, and such vehicle shall not thereafter be operated as a taxicab until the taxicab inspector determines upon reinspection that the vehicle has been placed back into safe and sanitary condition for operating in conformity with this chapter.
- (c) Condition of taxicab. Every vehicle operating under this chapter shall be kept in a clean and sanitary condition at all times. The owner shall keep the body of the taxicab, both interior and exterior, safe and clean and its general appearance shall be kept as close as possible to the manufacturer's original appearance with respect to sheet metal and finish of car, normal wear and tear exempted. Any exterior body damage with a repair cost in excess of \$500.00 shall be repaired and inspected by the taxicab inspector prior to utilizing the vehicle for service.
- (d) Vehicle equipment. All taxicabs operated within the city shall be equipped and maintained in a satisfactory condition so as to comply with the General Statutes of North Carolina and the provisions of this Code, as well as comply with the following:
 - (1) Have the body of the sedan or enclosed type and be of not less than four-passenger capacity.
 - (2) Have four doors, two leading into the passenger's compartment and two leading into the driver's compartment, so constructed that they may be opened from the inside and outside.
 - (3) Have all windows, vents and doors in proper working condition.
 - (4) Be equipped with a heater sufficient to heat the interior of the taxicab adequately in cold weather.
 - (5) Have all windshields and side and rear glasses clean and free of cracks and clear of dirt and obstructions to clear view.
 - (6)

Have front and rear bumpers of original manufacturer's design and attachments which shall be in place and in proper repair.

- (7) Have headlights, tail lamps and turn signals in good working condition and as installed by the original manufacturer.
- (8) Have sufficient interior lights that a passenger could see into the vehicle at night before entering it.
- (9) Be equipped with a functional number of seatbelts equal to the passenger capacity of the vehicle.
- (10) All seating upholstery covering shall be of nonabsorbent and washable material and shall be free of cuts or tears.
- (11) Be equipped with a taxi meter which records and indicates the charge or fare calculated according to distance traveled, waiting time, traffic delay, initial charge, number of passengers and other authorized charges. The taxi meter shall be visible to any and all passengers.
- (e) Prior to operating additional or replaced taxicabs in connection with a certificate, the owner shall file an amendment with the city clerk and the vehicle shall be inspected and approved by the taxicab inspector. In addition, an owner who permanently retires any or all of the taxicabs associated with a certificate shall, within ten days of the vehicle's retirement, file an amendment with the city clerk. The city clerk shall notify the taxicab inspector upon receipt of such amendment.

(Code 1971, § 30-5; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-36. - Identification of vehicles/drivers.

Every taxicab shall have displayed thereon, the corporate name or the assumed name under which the owner operates, with the company's telephone number. Such information shall appear in the form of a magnetic sign appropriately affixed to the sides or back of the taxicab. All of the lettering shall be not less than 2½ inches in height and not less than 5/16 of an inch stroke, and the material shall be such that will weather the elements and be legible at all times.

Every taxicab shall have displayed thereon a toplight appropriately affixed to the top of the taxicab with the corporate name or the assumed name under which the owner operates. The toplight shall be illuminated at all times when transporting a passenger.

Every taxicab shall display a card inside the vehicle with the driver's name and photograph to be visible to any and all passengers in the taxicab.

(Code 1971, § 30-6; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-37. - Depots, terminals and stands.

No taxicab shall operate on the streets of the city unless the taxicab shall have a depot or terminal on private property. No taxicab shall be permitted to use the streets of the city except for the purpose of transporting, loading and unloading of passengers and their baggage.

Each depot or terminal used by an owner for his taxicab shall:

- (1) Be used in compliance with the zoning ordinance;
- (2) Be kept in a clean, safe and sanitary condition; and
- (3) Have sufficient private off-street parking to accommodate those vehicles owned, operated and controlled by the owner during times of non-use.

(Code 1971, § 30-7; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-38. - Soliciting business.

No taxicab driver or owner, or the agent 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 city, including a designated taxicab stand.

(Code 1971, § 30-8)

Sec. 54-39. - Conduct of drivers.

- (a) Drivers shall be clean in dress and person.
- (b) When requested by a passenger, the driver shall give a receipt showing the company's name, driver's name, date place and time of trip, origin and destination and the amount of fare charged.
- (c) Whenever any taxicab is occupied by a passenger, the driver shall not permit any other person to occupy or ride in the taxicab, except by specific request originating with the original passenger.

(Code 1971, § 30-9; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-40. - Transporting persons for immoral or unlawful purposes.

It shall be unlawful for any person to drive any taxicab or permit the taxicab to be driven for the purpose of conveying any person to or from any place or point for the purpose of indulging in any immoral or unlawful act.

(Code 1971, § 30-10; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-41. - Drivers' manifests.

- (a) Every taxicab driver shall maintain a daily manifest upon which is recorded all trips made during each day, showing the time and place of origin, the destination of each trip, the total mileage of the trip, and the amount charged to each customer. All such completed manifests shall be returned to the owner of the taxicab by the driver at the conclusion of his tour of duty. The forms for such records shall be furnished to the owner by the city and shall be of a character approved by the taxicab inspector.
- (b) Every taxicab owner shall retain and preserve all drivers' manifests in a safe place for at least 90 days and the manifests shall be made available upon demand for inspection by the taxicab inspector, the city police or the city manager.

(Code 1971, § 30-11; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-42. - Report of accidents; removal of taxicab following accident.

It shall be unlawful for the driver of any taxicab to move the same or cause the same to be moved after a collision or accident involving such taxicab, until such driver has first reported the accident or collision to the police department and a police officer has arrived at the scene of such accident and authorizes the removal of such taxicab.

When any taxicab is wrecked, damaged or unsafe for taxicab operation, the owner shall make such repairs and alterations as may be required and shall not operate, or cause or permit to be operated, any such taxicab until such repairs and alterations have been completed and inspected by the taxicab inspector.

(Code 1971, § 30-12; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-43. - Operation from outside city.

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 city, may bring passengers into the city, but he shall not solicit any passengers for any destination within or without the city.

(Code 1971, § 30-13)

Sec. 54-44. - Fares prescribed.

No person shall fix or charge a greater or lesser rate of fare for a taxicab services than the following:

(1) For the initiation charge	3.00
(2) For each succeeding one-tenth mile or fraction thereof, after initiation	.30
(3) For each minute of waiting time, or fraction thereof	.60

(4) For each bag of groceries	.25 (optional)
(5) For each bag of luggage, of any kind whatsoever	0.5
(6) For each trip that initiates or terminates beyond the city limits	Initiation charge occurs at city limits line. Normal rates apply.

The above rates apply for one or two passengers only, and any additional passengers shall be \$1.00 extra. A card, printed in an appropriate fashion, shall prominently display the rate schedule in the plain view of any and all passengers in the taxicab.

Waiting time shall include the time when the taxicab is not in motion, beginning with the arrival at the place to which it has been called, or the time consumed while standing or waiting at the direction of the passenger, but no charge shall be made for time lost for inefficiency or breakdown of the taxicab or for time consumed by premature response to a call.

(Code 1971, § 30-23; Ord. No. 01-1064, § 1, 10-4-01; Ord. No. 04-0535, § 1, 5-11-04; Ord. No. 05-1255, § 1, 12-8-05; Ord. No. 12-0412, § 1, 4-5-12)

Secs. 54-45—54-65. - Reserved.

DIVISION 2. - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 54-66. - Required.

It shall be unlawful for any person to operate, either directly or indirectly, any taxicab in the city without having first obtained a certificate of public convenience and necessity from the city council authorizing such operation.

(Code 1971, § 30-14)

Sec. 54-67. - Application.

Application for a certificate required by this article shall be in writing and filed with the city clerk.

(Code 1971, § 30-15)

Sec. 54-68. - Hearing and declaration of public convenience and necessity.

No certificate required by this article shall be granted until the city council, after a hearing, declares by resolution that public convenience and necessity require the proposed taxicab service. In determining whether public convenience and necessity require the operation of a taxicab, the following considerations

shall be controlling:

- (1) Whether the demand for public convenience and necessity requires such additional taxicab service within the city;
- (2) The adequacy of existing mass transportation and taxicab service;
- (3) The financial responsibility and experience of the applicant for such certificate;
- (4) The ability of the applicant to earn a fair return of the capital invested;
- (5) The effect which such additional taxicab service may have upon traffic congestion and parking;
- (6) Whether the additional taxicab service will result in a greater hazard to the public, and whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved; and
- (7) Such other relevant facts as may be deemed advisable and necessary.

(Code 1971, § 30-16)

Sec. 54-69. - Issuance.

A certificate required by this article shall be issued to the business owner (d/b/a) by the city clerk after the resolution therefor has been adopted by the city council.

(Code 1971, § 30-17; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-70. - Term.

A certificate of public convenience and necessity issued under this article shall continue in full force and effect so long as the holder thereof continues in the operation of the taxicab business for which the certificate is originally issued in the city in compliance with all provisions of this article, subject to the provisions of this division relative to revocation of the certificate. The certificate shall ipso facto cease as of the time of cessation of such operation; provided, however, that upon resumption of such operation the former holder shall be entitled to apply for a new certificate in accordance with this chapter 54.

(Code 1971, § 30-18; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-71. - Assignment, sale or transfer.

No certificate issued under this article may be assigned, sold or transferred unless and until the taxicab inspector, on written application setting forth the purpose, terms and conditions of such assignment or transfer shall, after investigation, refer the application to the city council for approval or disapproval. The

approval of the city council, in writing, shall be necessary, and, without such approval, no certificate may be assigned, sold or transferred. Any attempt at such sale, transfer or assignment shall be totally null and void and of no effect.

(Code 1971, § 30-19)

Sec. 54-72. - Suspension or revocation—Authorized.

- (a) By council. A certificate issued under this article may be revoked for the violation, by the holder thereof, of any applicable provision of this Code, federal or state law or city ordinance, rule or regulation, or for the existence of any of the conditions set forth in subsections (b) and (c) of this section, or other good cause shown, by the city council after ten days' written notice of a hearing hereon to the holder of the certificate.
- (b) By city clerk. A certificate issued under this article may be suspended temporarily for a period not to exceed six months by the city clerk at any time for any of the following reasons:
 - (1) The owner's past record is found to be unsatisfactory;
 - (2) The owner fails to operate the taxicab in accordance with the provisions of this article;
 - (3) The owner shall cease to operate any taxicab for a period of 30 consecutive days;
 - (4) The taxicab is operated at a rate of fare other than that prescribed by the city council; or
 - (5) For any other reason which the city clerk may deem warrants suspension.
- (c) A certificate issued under this article may be suspended temporarily for a period to not exceed one year by the city clerk, for any of the following reasons:
 - (1) The owner's certificate has been suspended twice within a 12-month period.
 - (2) The owner is convicted of:
 - a. A felony involving bodily injury or use of a deadly weapon.
 - b. A violation of any federal or state statute or city ordinance relating to the possession or sale of alcoholic beverages;
 - c. A violation of any federal or state statute or city ordinance relating to prostitution; or
 - d. A violation of any federal or state statute or city ordinance relating to the use, possession or sale of drugs.
 - e. For any other reason which the city clerk may deem warrants suspension.

(Code 1971, § 30-20; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-73. - Same—Appeal from clerk.

A suspension of a certificate shall be in writing, and any aggrieved party shall have a right of appeal to the city council, which appeal shall be filed with the city clerk within ten days after the suspension. The city council shall give at least ten days' public notice of the hearing on such appeal, and the notice shall be published in a newspaper of general circulation in the city. The action of the city council shall be final.

(Code 1971, § 30-21; Ord. No. 01-1064, § 1, 10-4-01)

Sec. 54-74. - Same—Cessation of operations.

Any owner or operator shall immediately cease operation upon receipt of written notice of suspension or revocation of his certificate and not resume operation until the certificate is restored or the suspension expires.

(Code 1971, § 30-22)

Secs. 54-75—54-100. - Reserved.

ARTICLE III. - OPERATION OF HORSE-DRAWN CARRIAGES

Sec. 54-101. - Definitions.

In all matters relating to the administration of this article, whenever the following terms are used, they shall be construed and defined as follows:

Clerk shall mean the Hendersonville City Clerk.

Company shall mean the holder of a permit to operate a horse-drawn carriage business under the provisions of this article, whether a person, firm, partnership or corporation.

Driver shall mean any person who drives or operates a horse-drawn carriage on the streets of Hendersonville for a licensed company.

Driver's permit shall mean the written authority granted by the city for an individual to drive or operate a horse-drawn carriage.

Horse-drawn carriage shall mean any hack or carriage which is drawn by a horse or mule or other beast of burden, for the transportation for hire of passengers.

Permit shall mean the written authority granted by the city under this article to engage in the business of operating one or more horse-drawn carriages in the city for transportation of passengers.

Stand shall mean a public place alongside the curb of a street or elsewhere which has been designated by the city as reserved exclusively for the use of horse-drawn carriages.

(Ord. No. 10-0938, § 1, 9-2-10)

Sec. 54-102. - Compliance with article required.

It shall be unlawful for any person to engage in the business of operating any horse-drawn carriage on the streets of the city until the provisions of this article have been complied with. Provided, however, any such business in operation as of the effective date of this article shall have 30 days to comply with the provisions of this article.

(Ord. No. 10-0938, § 2, 9-2-10)

Sec. 54-103. - Permit required; information on application to be shown.

- (a) Any person desiring to operate one or more horse-drawn carriages within the city shall first make written application for a permit and shall file the application with the clerk. The application shall contain the full name and address of the applicant, and the names of the officers if the applicant is a corporation; the principal location from which the business is to be operated; the number of horse-drawn carriages to be operated under the permit, if granted; the hours of operation for the carriages; the planned routes for the carriages; and such other information as may be required by the city.
- (b) The city council hereby authorizes the clerk to issue permits to any applicant or applicants, upon compliance with the provisions of this article.
- (c) The permit shall be conspicuously displayed at all times on the carriage.

(Ord. No. 10-0938, § 3, 9-2-10; Ord. No. 16-0204, § 1, 2-4-16)

Sec. 54-104. - Reserved.

Editor's note— Ord. No. 16-0204, § 1, adopted Feb. 4, 2016, repealed § 54-104, which pertained to fixed place of business required and derived from Ord. No. 10-0938, § 4, 9-2-10.

Sec. 54-105. - Permits not transferable; replacements and substitution.

Permits to operate horse-drawn carriages shall not be transferred. In the event a horse-drawn carriage business is sold, the new owner shall apply to the clerk for the permits required hereunder.

(Ord. No. 10-0938, § 5, 9-2-10; Ord. No. 16-0204, § 1, 2-4-16)

Sec. 54-106. - Renewal of permit; revocation.

Any company to whom a permit has been issued shall be entitled to renew such permit on an annual basis, so long as such company shall fully comply with the provisions of this article and such other ordinances, rules and regulations as shall be enacted or adopted from time to time by the city and shall pay the annual permit fee required hereunder as set forth by the fee schedule. Annual permit fees shall be due on or before July 1 of each year. The clerk, for good cause shown, may at any time revoke such permit.

(Ord. No. 10-0938, § 6, 9-2-10; Ord. No. 16-0204, § 1, 2-4-16)

Sec. 54-107. - Reserved.

Editor's note— Ord. No. 16-0204, § 1, adopted Feb. 4, 20, repealed § 54-107, which pertained to privilege license tax; display of privilege license and derived from Ord. No. 10-0938, § 7, 9-2-10.

Sec. 54-108. - Operation at special events.

The city reserves the right to prohibit horse-drawn carriages at special events.

(Ord. No. 10-0938, § 8, 9-2-10; Ord. No. 16-0204, § 1, 2-4-16)

Sec. 54-109. - Insurance.

- (a) Any company operating under this article shall hold the city, its officers, agents, servants and employees, harmless against any and all liability, loss, damages or expense which may accrue to the city by reason of negligence, default or misconduct of the company in connection with the rights granted hereunder. Nothing in this article shall be considered to make the city, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any company, its servants, agents, drivers or other employees, during the operation by the company of a horse-drawn carriage business, either in respect to injury to persons or with respect to damage to property which may be sustained. All permits issued hereunder shall include a notarized statement of the permit holder to incorporate the provisions set forth herein.
- (b) Any company operating under this article shall secure and maintain a liability insurance policy from an insurance company authorized to do business in the state, covering each carriage to be used. The minimum coverage shall be \$100,000.00 for bodily injury to any one person, \$300,000.00 for injury to more than one person in the same accident, and \$25,000.00 for property damage resulting from one accident. Such policy may be in the form of a separate policy for each carriage or in the form of a fleet policy covering all carriages operated by the company. Such policy or policies shall include an endorsement to the effect that the same cannot be

altered, modified or cancelled for any cause without notice thereof being served upon the clerk at least 30 days prior to the date of such alteration, modification or cancellation. A certificate of insurance certifying the above coverage shall be filed in the office of the clerk.

- (c) No permit shall be issued under this article until the certificate of insurance has been filed and approved.
 - (d) If at any time during the life of any permit issued under the provisions of this article, the company allows said insurance policy to lapse or to become ineffective, or if any insurer thereof becomes unable financially to respond to the obligation thereof, or such policy is allowed to terminate in whole or in part, then at the same time the permit of such company to operate such carriage shall ipso facto become null and void.
- (Ord. No. 10-0938, § 9, 9-2-10)

Sec. 54-110. - Horse-drawn carriage driver's permit.

- (a) No person shall operate a horse-drawn carriage for hire upon the streets of the city, and no person who owns or operates a horse-drawn carriage company shall permit a horse-drawn carriage to be driven, unless the driver of such carriage first obtain and have in force a horse-drawn carriage driver's permit issued under the provisions of this article and pay the permit fee therefor.
- (b) Any person desiring a horse-drawn carriage driver's permit shall submit an application in writing to the clerk, on a form to be furnished by the clerk. The application shall state the age of the applicant, his address, and whether he has been convicted of a violation of any of the laws of the state or the ordinances of the city, and if so, when and of what offense, and the sentence of the court.
- (c) An applicant for a driver's permit must be not less than 18 years of age, with no physical infirmities which might make him an unsafe or unsatisfactory horse-drawn carriage driver. No permit shall be issued to any person who has been convicted of operating a motor vehicle while impaired within one year prior to the date of the application for such permit, or who has been convicted of the offense three or more times within five years prior to the date of application. An applicant must show that he or she has a current North Carolina Class "C" license or the equivalent license issued by any other U.S. state or the District of Columbia and that the license is not under suspension or revocation.
- (d) Each applicant for a driver's permit shall file with the clerk a sworn affidavit that he or she has successfully completed an apprenticeship of 40 hours with horse-drawn carriages, which includes, but is not limited to:
 - (1) The proper method of fitting a harness to a horse and hitching and unhitching a properly harnessed horse;

- (2) An attestation that the applicant has ridden with a driver permitted hereunder during the first 24 hours of the apprenticeship to observe the proper handling and driving of a horse-drawn carriage and has been trained in emergency situations for unexpected animal behavior; and
- (3) Has driven horse-drawn carriages under the supervision of a driver permitted hereunder for the last 16 hours of the apprenticeship;
- (4) Is familiar with the traffic regulations and designated horse-drawn carriage routes.
- (e) In lieu of the apprenticeship requirements, an applicant may file with the clerk a sworn affidavit that he or she has had previous experience driving a horse-drawn carriage, exceeding 40 hours therein, including a detailed description, of that experience;
- (f) An identification card showing that a permit has been issued under the provisions of this section shall be displayed on the driver's person at all times when the carriage is for hire or is being operated.
- (g) A driver's permit shall remain in effect for the current fiscal year (July 1 through June 30) and must be renewed annually.
- (h) It shall be unlawful for any person willfully to alter, deface, obliterate or destroy a horse-drawn carriage driver's permit, or cause or allow the same.
- (i) Any horse-drawn carriage driver's permit issued under this article is not transferable, and is to be used solely by the person to whom it is issued.
- (j) Every driver of a horse-drawn carriage shall be neat and clean in appearance and shall, while on duty, wear an identification badge, with his name and permit information thereon, on his shirt or coat, in plain view. No driver may use any tobacco product while carrying any passenger.
- (k) The clerk shall have the authority to revoke a horse-drawn carriage driver's permit if the holder of the permit:
 - (1) Ceases to meet the qualifications described in subsection (c), above; or
 - (2) Fails to correct satisfactorily any false statement made in the application for the permit immediately upon request; or
 - (3) Fails to operate his carriage in accordance with the provisions of this article.

(Ord. No. 10-0938, § 10, 9-2-10; Ord. No. 16-0204, § 1, 2-4-16)

Sec. 54-111. - Safe mechanical condition of horse-drawn carriage required.

Every carriage operated on the streets of the city shall be maintained in a safe mechanical condition, with all safety equipment remaining intact and operative at all times when the carriage is in service.

(Ord. No. 10-0938, § 11, 9-2-10)

Sec. 54-112. - Safety equipment required.

Each horse-drawn carriage shall be equipped with operable turn signals. Each such carriage shall also be equipped with operable lights or lanterns and reflectors when are used during the hours of dusk and darkness. The turn signals, lights and reflectors shall be mounted so that they are visible from any direction for a distance of at least 1,000 feet. Each such carriage shall have on board at all times a fire extinguisher and a first aid kit.

(Ord. No. 10-0938, § 12, 9-2-10)

Sec. 54-113. - Cleanliness of horse-drawn carriage required.

Every carriage operating under this article shall be kept painted and in a clean and sanitary condition, free of litter and debris and at all times suitable for public transportation of passengers.

(Ord. No. 10-0938, § 13, 9-2-10)

Sec. 54-114. - Inspection of carriage required.

- (a) Each carriage shall be inspected by the chief of police or the chief's designee for compliance with the provisions of this article regarding safety and overall appearance and shall pass the inspection before being used to carry passengers for hire. Each carriage shall be inspected by the chief of police or the chief's designee at least annually by July 1 to ensure continued compliance with this article. The company shall supply a copy of the inspection report to the clerk within seven days of the issuance thereof. When a carriage is involved in an accident, the horse-drawn carriage business owner shall file a report of the accident with the clerk. The chief of police or the chief's designee shall inspect each such carriage before it is returned to service. A certificate is required by a doctor of veterinary medicine, as required in section 54-116, for each animal involved in the carriage accident, stating that the animal is not injured, in good health and able to return to drawing the carriage or carriages without endangering the health of the animal or animals.
- (b) The carriage inspection shall include the following:
 - (1) Body condition;
 - (2) Reflectors;
 - (3) Grab handles;
 - (4) Traces;
 - (5) Harness;
 - (6) Seats;
 - (7)

Wheels. Subject to the provisions of subsection 54-117(a)(3) with respect to the composition of horseshoes, no metal from or constituting any part of the carriage, including horseshoes, wheels and tires, shall come into contact with any street upon which the carriage is operated;

- (8) Top;
- (9) Shafts;
- (10) Steps;
- (11) Brakes;
- (12) Lights or lanterns, on any vehicle to be operated at night;
- (13) Turn signals.
- (14) A photograph of the carriage.

(Ord. No. 10-0938, § 14, 9-2-10; Ord. No. 16-0204, § 1, 2-4-16)

Sec. 54-115. - Suspension of permit.

The clerk is hereby given full power to suspend a permit upon the clerk's determination that the operation of the carriage would cause imminent danger to the public's safety. The suspension shall be effective immediately upon notice to the owner. The carriage may not be returned to service until it has been reinspected and found to comply with sections 54-111 through 54-114 of this article.

(Ord. No. 10-0938, § 15, 9-2-10)

Sec. 54-116. - Certificate of health of animals required.

The holder of each permit to operate a horse-drawn carriage company shall, as a condition to such permit remaining in force, present to the clerk no later than the first day of July of each year, a certificate by a doctor of veterinary medicine, duly licensed in the state of any U.S. state or the District of Columbia, for each horse or other beast of burden owned by such company for its horse-drawn carriage business, with identifying information, certifying that such doctor of veterinary medicine has examined such horse or other animal, which examination shall include an annual Coggins Test, and certification of rabies vaccination, and that the animal is in good health and able to draw the horse-drawn carriage or carriages to which the horse is assigned without endangering the health of such horse or other animal. In the event of failure to present a certificate for each such horse, the owner shall not be able to use in the horse-drawn carriage business any horse for which a certificate is not presented.

(Ord. No. 10-0938, § 16, 9-2-10; Ord. No. 16-0204, § 1, 2-4-16)

Sec. 54-117. - Other requirements for the safety of the animals.

- (a) All operating carriages shall comply with the following requirements:

- (1) No single animal shall pull a carriage holding more than six adults, including the driver.
- (2) Unless written approval is given by a licensed veterinarian, no animal having open sores or wounds or any disease or ailment shall be permitted to be in service on the streets of the city.
- (3) Each animal shall have all hooves properly trimmed and shod for street surfaces, with the horse shoes to be a type of poly-urethane shoes designed to keep the animal from slipping on the pavement; provided, however, the director of public works or the director's designee may determine that another horse shoe proposed by the permit holder is adequate to keep the animal from slipping on the pavement.
- (4) Each animal shall be groomed daily and shall not have fungus, dandruff, or a dirty coat.
- (5) Harnesses shall be properly fitted, maintained and oiled so that no irritating material will come in direct contact with the animal.
- (6) No driver may use more than a light touch of the whip upon any animal, and no driver or other person may forcefully strike an animal, or make movements or noise intended to frighten or harm an animal.
- (7) No driver shall permit an animal to pull a carriage at a speed faster than a slow trot, except in emergency situations.
- (8) Each animal shall be provided with adequate food, water and rest to pull the horse-drawn carriage to which it is assigned.
- (9) No animal shall become overheated in a manner which endangers its health and safety. The temperature of each animal pulling a horse-drawn carriage shall be taken immediately prior to being used to pull horse-drawn carriages for that day and shall be taken no less often than once each two hours during the time period it is used to pull horse-drawn carriages for that day. A log of these times and temperatures shall be maintained by the permit holder and shall be provided to the clerk on a monthly basis.
- (10) No animal shall pull horse-drawn carriages in temperatures below 25 degrees Fahrenheit under calm conditions or its equivalent when adding in a wind chill factor, or when the apparent temperature, combining the air temperature with the relative humidity, is above 90 degrees Fahrenheit. All determinations of the temperatures as set forth in this section shall be based upon temperature information established by the United States Weather Bureau at the location where it registers temperature information which is closest to where the horse-drawn carriages are being operated. Apparent temperature, as used in this section, shall be based upon charts available from the United States Department of Commerce.
- (11) Animals used to pull horse-drawn carriages shall be given a ten-minute rest period at the end of two consecutive labor hours and potable water shall be made available during the rest period. Labor hours are defined as hours the animal is in harness for the horse-drawn carriage business. No animal shall be kept in harness for the horse-drawn carriage business

for periods in excess of eight successive labor hours without a minimum of three successive hours out of harness. No animal shall be in harness for the horse-drawn carriage business for more than six days in a seven-day period.

- (12) No animal shall be subject to any condition or treatment, whether in service or out of service, which will impair the good health and physical condition of that animal.

Any sworn city police officer is hereby empowered to stop all carriages for inspection as to compliance with the above requirements, and is further empowered to confiscate for delivery to the clerk the permit for any vehicle appearing to be in probable violation hereof.

(Ord. No. 10-0938, § 17, 9-2-10)

Sec. 54-118. - Carriage stands.

- (a) The director of the public works department, or the director's designee, in consultation with the chief of police, is hereby empowered to designate the location and extent of space for stands located on city streets and parking spaces or lots and which shall be known as "carriage stands." Unless otherwise allowed by the city, no automobiles or other means of conveyance other than horse-drawn carriages as defined in this article shall be permitted to use such stands.
- (b) No parking of horse-drawn carriages shall be permitted on the public streets except at such stands, which shall be designated by signs. Whenever any stand is established, it may be used by horse-drawn carriages on a "first come, first serve" rotation basis.
- (c) Drivers of horse-drawn carriages shall maintain such stands in a sanitary condition at all times. Any failure on the part of a driver to conform to the requirements of this section shall be unlawful and shall subject the driver to the penalties provided herein.
- (d) It shall be unlawful for any driver of any horse-drawn carriage to park or stand on any city street other than at a carriage stand.
- (e) This article does not regulate the keeping of animals, which activity is regulated by article II of chapter 10 of this Code.

(Ord. No. 10-0938, § 18, 9-2-10)

Sec. 54-119. - Driver not to leave vehicle while waiting to be hired.

It shall be unlawful for any driver to leave his carriage, or the immediate premises thereof, while the carriage is parked in a carriage stand waiting to be hired.

(Ord. No. 10-0938, § 19, 9-2-10)

Sec. 54-120. - Restriction on number of passengers.

No driver shall permit more persons to be carried in his carriage as passengers than the rated seating capacity of said carriage.

(Ord. No. 10-0938, § 20, 9-2-10; Ord. No. 16-0204, § 1, 2-4-16)

Sec. 54-121. - Refusal to carry disorderly passengers.

Drivers may refuse to convey any disorderly person or persons.

(Ord. No. 10-0938, § 21, 9-2-10; Ord. No. 16-0204, § 1, 2-4-16)

Sec. 54-122. - Other prohibited acts.

It shall be unlawful for any driver to use his carriage for any purpose other than the transportation of passengers.

(Ord. No. 10-0938, § 22, 9-2-10)

Sec. 54-123. - Areas of operation.

Horse-drawn carriages carrying passengers for hire shall be allowed on city streets along only those routes as approved in writing, in advance of their use, by the director of public works in consultation with the chief of police, or his designee, with a copy of the approved route filed with the clerk.

(Ord. No. 10-0938, § 23, 9-2-10; Ord. No. 16-0204, § 1, 2-4-16)

Sec. 54-124. - Hours of operation.

No horse-drawn carriage shall be operated for the purposes of a tour on city streets between the hours of midnight and 9:00 a.m. on any day. No carriage shall be operated in the central business district during the hours of 11:30 a.m. to 1:30 p.m. and 4:45 p.m. to 5:30 p.m. Monday through Friday, except that such restriction shall not apply on legal holidays.

(Ord. No. 10-0938, § 24, 9-2-10)

Sec. 54-125. - Traffic violations.

- (a) Drivers of horse-drawn carriages shall be subject to all traffic laws applicable to drivers of motor vehicles, except those provisions which by their nature can have no application.
- (b) Horse-drawn carriages shall be prohibited from stopping in traffic or delaying any on-street traffic for the purpose of loading or unloading passengers or for any other purpose.
- (c)

It shall be unlawful to operate carriages except when the draft animals are under complete control. Such vehicles shall be operated with caution and due care for the safety of others.

(Ord. No. 10-0938, § 25, 9-2-10)

Sec. 54-126. - Sanitation requirements.

Drivers of horse-drawn carriages and the permit holder for the horse-drawn carriage business shall ensure that draft animals are equipped with diapers or similar devices or that other methods are used to prevent manure and other wastes of the animals from falling or collecting on city streets. The city shall charge the company with the assumed costs, including materials and assumed labor costs, for the cleanup of such manure and other wastes. any charge not paid by the company within 30 days of the sending of written notice by any generally recognized means shall constitute grounds for suspension of the company's right to operate carriages.

(Ord. No. 10-0938, § 26, 9-2-10)

Sec. 54-127. - Penalty for failure to comply.

Failure to comply with the requirements of this article or with any of the laws, ordinances and regulations of the city can result in revocation of the permit of the driver, the company, or both.

(Ord. No. 10-0938, § 27, 9-2-10)

Sec. 54-128. - Appeals.

Any decision of the clerk hereunder may be appealed to the city council by any aggrieved person, by delivery to the clerk of a notice of appeal within ten days of the giving of notice by the clerk of such decision. The city council shall decide all appeals. Decisions of the city council may be appealed to the superior court within 30 days of the city council's final vote on the appeal.

(Ord. No. 10-0938, § 28, 9-2-10)

