

CHAPTER 19 TAXICABS AND LOW SPEED VEHICLES

ARTICLE I. TAXICABS

Section 19.1 Purpose

The purpose of this article is to reasonably protect the safety and welfare of persons who use taxicabs.

Section 19.2 Definitions

For the purposes of this article, the following words and phrases shall have the following meanings:

- (1) Manifest: A daily record, prepared by a taxicab driver, of all trips made by the taxicab which he or she operates, showing the time and place of origin and destination of each trip and the amount of the fare.
- (2) Owner: Any person to whom a taxicab certificate has been issued.
- (3) Taxicab: Any motor vehicle seating eight (8) or fewer passengers and the driver and operating upon the streets of the town, on call or demand, accepting or soliciting passengers for hire. This definition shall not include motor vehicles or motor vehicle carriers defined in chapter 62 of the General Statutes.
- (4) Taxicab Certificate: A certificate issued by the taxicab inspector indicating that the owner apparently meets the requirements of this article and is authorized to operate a taxicab within the Town. Each taxicab certificate shall apply to a separate vehicle.
- (5) Taxicab Inspector: The Police Department has been designated to be the inspector of taxicabs and the administrator of taxicab certificates.

Section 19.3 Taxicab certificates required

No person shall operate any taxicab in the town without first obtaining a taxicab certificate from the taxicab inspector. In order to receive a taxicab certificate, applicants must satisfactorily comply with the following requirements:

- (1) Provide complete information regarding the owner and company name, legal address, telephone numbers, owner driver's license number, and owner social security number.
- (2) Provide complete identification information regarding the vehicle to be used.
- (3) Provide information demonstrating that the applicant has a reliable means of receiving calls for service and dispatching taxicabs to provide services.

(4) Provide information showing that the applicant has required taxicab insurance coverage.

(5) Demonstrate that the proposed taxicab vehicle meets state inspection requirements, is relatively free of interior and exterior damage or deterioration, is clean, and is in good operating condition.

(6) Demonstrate that the operator does not own any delinquent town or county taxes.

(7) Affirm that the applicant has read, is familiar with, and will comply with the taxicab requirements of this article.

In addition to the above minimum requirements, the taxicab inspector may take into consideration other factors related to the ability of the applicant to safely and honestly provide transportation services to the public. These factors may include, but are not limited to, criminal records, personal and company traffic violations, evidence of good character, and history of previous compliance with town ordinances.

Section 19.4 Taxicab certificate issuance, denial, suspension, revocation, transfers

(a) Certificate Issuance. Persons who apparently meet the requirements of this article shall be issued a taxicab certificate by the taxicab inspector. Certificates shall be issued in writing, shall be effective for the calendar year, and shall be issued separately for each taxicab. Application, renewal, inspection, and transfer fees, as may be approved from time to time by the town council, shall be charged for each certificate.

(b) Certificate Denial. Taxicab certificates may be denied if an applicant does not satisfactorily meet the requirements of this article or fails to provide required information.

(c) Suspensions and Revocations: Taxicab certificates may be suspended or revoked if the applicant provides false information in his or her application, violates the requirements of this article, fails to continuously meet the standards of this article during the term of the certificate, or improperly transfers the certificate to another taxicab. Change of ownership of a taxicab shall automatically revoke the certificate for that taxicab, except as provided below for transfers.

(d) Appeals. Decisions made by the taxicab inspector regarding issuance, denial, suspension, or revocation of a taxicab inspector may be appealed to the Town Manager.

(e) Certificate Transfers. Taxicab certificates may be transferred to another vehicle owned by the same owner upon application to, inspection by, and approved by the taxicab inspector. Certificates may not be transferred from owners to other owners.

Section 19.5. Taxicab operating standards

Taxicab owners and operators shall continuously comply with the following standards and requirements.

- (1) The name of the company or owner shall be clearly and visibly displayed on both sides of the vehicle, along with the company telephone number.
- (2) Rates and fares shall be clearly and visibly displayed within the taxicab or shall be provided to customers in writing. If the rate or fare is based on mileage, the customer must be given a reasonable opportunity to verify the mileage, by observation of a meter or of the vehicle odometer.
- (3) The driver's name and driver's license number shall be clearly and legibly displayed within the taxicab or shall be provided to customers in writing.
- (4) A daily manifest shall be kept by the driver of each taxicab and shall be available for inspection, by the taxicab inspector and/or law enforcement officers, in the owner's possession for a period of at least one (1) year.
- (5) The owner shall apply for and obtain a current business privilege license for conducting a taxicab business within the town.
- (6) The owner shall maintain a policy of liability and property damage insurance for each taxicab with at least the following levels of coverage: death or injury to one (1) person per accident, one hundred thousand dollars (\$100,000.00); death or injury to more than one (1) person in an accident, three hundred thousand dollars (\$300,000.00); property damage in one (1) accident, one hundred thousand (\$100,000.00). The owner shall also maintain uninsured motorist coverage in these amounts to protect passengers in the event of an accident involving an uninsured motorist.
- (7) Taxicabs shall be kept reasonably clean and in safe operating condition at all times. The taxicab inspector shall conduct an inspection of each taxicab at least every six (6) months and shall have the right to enter and inspect a town-licensed taxicab at any reasonable time to insure that it complies with this article.
- (8) Taxicabs operators shall faithfully observe state and local traffic safety laws.
- (9) Articles left in taxicabs shall be returned to their rightful owners, if known, or turned over to the taxicab inspector within twenty-four (24) hours.
- (10) Taxicab certificate holders shall provide at all times an up-to-date schedule of rates and fares for their taxicab to the taxicab inspector.
- (11) Accidents involving taxicabs shall be immediately reported to the relevant law enforcement jurisdiction, and reports of accidents involving taxicabs licensed by the town

shall be submitted to the taxicab inspector.

(12) Owners shall carefully screen persons hired to be taxicabs driver, shall investigate the criminal and driving records of potential drivers, and shall not employ as drivers any persons whose criminal or driving record indicates a significant risk that the safety or welfare of passengers might be jeopardized. Particular emphasis shall be placed on histories of driving while impaired, careless or reckless driving, multiple traffic violations, and crimes of violence, theft, or financial dishonesty. The names, criminal and driving records of taxicab drivers shall also be submitted to the taxicab inspector, and the taxicab inspector shall have the right to disqualify any person from driving a taxicab upon finding that person's criminal or driving record indicates a significant risk to the safety or welfare of passengers.

ARTICLE II. LOW SPEED VEHICLES

19.6 Low Speed Vehicles Definition

Low speed vehicles may be operated on streets within the Town of Holly Ridge in accordance with the following rules and regulations:

- (A) **Low Speed Vehicle** – Vehicle designed and manufactured for operation on a golf course or recreational purposes not capable of exceeding 20 mph.
- (B) **Operator** – Person in actual physical control of a vehicle which is in motion or has the engine running. Terms “driver” and “operator” are synonymous.
- (C) **Utility Vehicle** – Vehicle designed and manufactured for general maintenance, security, recreational and landscaping purposes, but does not include vehicles designed and used primarily for the transportation of persons or property on a street or highway.

19.7 Low Speed Vehicle Inspections/Regulations/Permits/Fees

- (A) The inspection by the Chief of Police, or his designee, will cover the following safety requirements, and every low speed vehicle operating on Town of Holly Ridge streets must have the following safety equipment:
 - (1) Permits/stickers will be issued to operators/owners of electric or gas Low speed vehicles.
 - (2) Each owner must have proof of ownership, and a completed **Waiver of Liability**, releasing the Town of Holly Ridge, its employees, and affiliates from all liability that may arise as a result of operating a low speed vehicle inside the Town of

Holly Ridge. A *Current Waiver of Liability* must be on file with the Town of Holly Ridge, and must be renewed annually.

- (3) All low speed vehicles must meet the requirements or minimum standard equipment, to wit; (1) rear view mirror, (2) lap belts, (3) child restraints, for use while the vehicle is in motion, (4) front and rear reflectors, (5) locking brake, (6) reverse warning device, (7) main power switch, (8) horn, (9) manufacturer's serial number plate, (10) safety labels visible and readable
- (4) All low speed vehicle operators must possess a valid Driver's License, except any driver or operator 18 years of age and older with a medical or physical condition that prevents that individual from being able to obtain a valid North Carolina driver's license. The medical condition must be evidenced with a professional certified medical phobia that prevents the driver or operator from taking a driver's licensing exam. The medical professional must document that the operator does not possess a medical condition that would prevent the safe operation of a motor vehicle and this documentation must be updated annually. Any driver or operator that is exempt from the requirement of a valid North Carolina license must still present and have on record while operating a low speed vehicle, a valid North Carolina identification card.
- (5) Low speed vehicles, by design, are equipped to seat a certain number of passengers. Each low speed vehicle differs in that it may accommodate 2 to 6 passengers, generally. This section is designed to regulate overcrowding or reckless operation of a low speed vehicle; therefore at *no* time, shall any passengers stand on a low speed vehicle while it operation *or* sit on the lap of another passenger while it is in operation.
- (6) All operators must provide a minimum of liability insurance on any low speed vehicle prior to inspection. (State requires a minimum of \$30,000 per person, \$60,000 per incident).
- (7) Permits/stickers will be issued annually, and valid from July 1st of each year. The following fees shall apply:
 - (a) Inspection by Police Department \$20.00 Annually
(Includes permit/Sticker)
 - (b) Re-Inspection by Police Department \$10.00
(If a low speed vehicle fails the initial inspection)
- (8) Lost, damaged or stolen Permit/Stickers are the responsibility of the owner. A Police report must be filed in the event of a lost or stolen permit/sticker. The Chief of Police (or his designee) will have the discretion in determining whether a permit/sticker may be re-issued in this instance. If no record can be found of a previous application, or the receipt of a permit/sticker, the Chief of Police may

direct the applicant to reapply, and also resubmit any and all fees necessary before a replacement permit/sticker is issued.

19.8 Low Speed Vehicle Operators/Traffic Laws

- (A) Any person who operates a low speed vehicle in the Town of Holly Ridge and fails to receive or properly display a Town of Holly Ridge permit/sticker will be subject to the state law requiring registration, insurance, and any other applicable laws, in addition to being in violation of this ordinance.
- (B) Low speed vehicles will be subject to the traffic laws of North Carolina:
 - (1) All operators must adhere to **All Laws** that apply to normal vehicle operation, to wit: stop signs, stop lights, one-way streets, etc. They must be operated in accordance with all state and local laws including possession and use of alcoholic beverages.
 - (2) Low speed vehicles will adhere to all traffic flow patterns, and will operate on the right side of the roadway.
 - (3) Low speed vehicle operators must yield (definition: driver must slow down and prepare to stop if necessary-usually while merging into traffic on another road- but does not have to stop if there is no reason to) the right of way to any over-taking vehicles and pedestrians.
 - (4) Low speed vehicles shall not be operated on sidewalks.
 - (5) Low speed vehicles shall not be operated on private property without the permission and consent of the property owner.
 - (6) Low speed vehicles driven on streets designated on a map maintained by the Town of Holly Ridge. The low speed vehicle shall not drive on or cross any road where the speed limit is more than 35 mph, unless access is required to a designated recreational area. (Morris Landing)
Exception: Topsail RV Park on Sound Road
 - (7) Violations of this ordinance may result in revocation of the low speed vehicle permit and will be at the discretion of the Holly Ridge Chief of Police.

- (C) Low speed vehicles that are issued permits to operate under this ordinance may only be used from *dusk to dawn*.
- (D) Low speed vehicles may not be operated in inclement weather or when visibility is impaired.

19.9 Low Speed Vehicle Liability Disclaimer

- (A) Liability Disclaimer – This ordinance is adopted to address the interests of public safety. Low speed vehicles are not designed or manufactured to be used on public streets or roads. The town, by regulating such operation, is merely trying to address obvious safety issues. The adoption of this ordinance is not to be relied upon as a determination that operation on a public street or public vehicular areas is safe or advisable if done in accordance with this ordinance. All persons who operate or ride upon low speed vehicles on public streets or public vehicular areas, do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The town has no liability under any theory of liability, and the town assumes no liability for permitting low speed vehicles to be operated on the public streets and public vehicular areas under special legislation granted by the state’s legislature. Any person who operates a low speed vehicle is responsible for procuring liability insurance sufficient to cover the risk involved in using a low speed vehicle on the public streets and public vehicular areas of the town.

19.10 Low Speed Vehicle Exceptions

- (A) Pursuant to a Town of Holly Ridge parade permit. The low speed vehicles must be listed in the Description of Vehicle section of the application.
- (B) Pursuant to North Carolina General Statute 20-171.23 All-Terrain Vehicles of fire, EMS, or Law Enforcement are permitted on public highways where the speed limit is 35 MPH or less.
- (C) Town of Holly Ridge employees in performance of their duties.

19.11 **Low Speed Vehicle Penalty**

Whosoever shall violate any provision of this code for which no other penalty is provided, shall be upon conviction, guilty of a misdemeanor and subject to a fine not to exceed \$50.00 each day that any of the provisions of this code are violated shall constitute a separate offense.