

STEPHENS CITY CODE

Chapter 20

TAXICABS

Art. I. In General, §§ 20-1 – 20-45

Art. II. Certificate of Public Convenience and Necessity, §§20-46 – 20-57

***Cross references:** Licenses and occupation taxes, ch.9; motor vehicles and traffic, ch. 10; noise, ch. 12; Streets, sidewalks and public places, ch.17; franchises, app.A

State law references-Local regulations of taxicabs and drivers thereof, Code of Virginia, §§46.2-310, 56-291.3:1 et seq.; license plates for vehicles for hire, Code of Virginia, §46.2-711; lettering on for-hire motor vehicles, Code of Virginia, §46.2-1076; taxicabs generally, Code of Virginia, §56-291.1 et seq.

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ARTICLE I. IN GENERAL

Sec. 20-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Certificate means the certificate of public convenience and necessity granted by the town council to persons in the business of operating taxicabs.

Driver means any person in charge of or driving any taxicab.

Owner means any person having control of the operation or maintenance of a taxicab, including any person having control of the collection of revenue derived from the operation of a taxicab, as well as the purchaser of any taxicab under conditional sales contract or other title reserving agreement.

Taxicab means any motor driven vehicle used for the transportation, for hire or reward, of passengers upon the streets of the town, except buses being operated under franchise or by the town and over fixed routes between fixed terminals.

Sec. 20-2. Penalty for violation of chapter.

Every owner or operator of a motor vehicle used as a vehicle for the transportation of persons for a consideration on any highway, street, road, lane or alley in this town who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof be fined not more than \$100.00 for the first offense and not more than \$500.00 for each subsequent offense.

Sec. 20-3. Liability insurance or bond required maintenance of coverage by insurance or bond; duty of owner when judgment rendered against him.

(a) Every owner of any taxicab operated in the town shall file with the town clerk and keep in effect at all times a policy of insurance in accordance with the provisions of Code of Virginia, §46.2-472; or, if no policy of insurance has been so filed, the owner of any taxicab operating in the town shall provide a surety bond approved by the town attorney with solvent surety in the amount herein specified, conditioned on such owner responding in damages, or provide a cash bond in the amount herein specified, covering damages for any liability incurred on account of any injury to persons or damage to property resulting from the operation of such taxicabs in the following amounts: For bodily injury to or death of one person in any one accident, \$25,000.00; for bodily injury to or death of two or more persons in anyone accident, \$50,000.00; and for property damage in anyone accident, \$20,000.00.

(b) Surety or cash bonds shall be for or in the amount of at least \$50,000.00 for each taxicab, for which a certificate is issued under this chapter.

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(c) If any such policy of insurance is cancelled, the owner shall not operate or cause to be operated any vehicle covered by such policy until other insurance is obtained or surety or cash bond given.

(d) Each such policy of insurance so med shall contain a clause to the effect that the insurance carrier may not cancel the policy except upon 30 days' written notice to the town clerk, as well as such other notice as may be required by law to be given the owner.

(e) If judgment is rendered against the owner or driver, or both, in any court of competent jurisdiction by reason of any accident for which the insurance policy or surety or cash bond is provided, the owner shall, within 24 hours after the rendition of such judgment, whether appealed from or not, increase the total amount of insurance or the amount of the surety or cash bond, so that there shall be kept in effect in the manner contemplated by law and by this chapter, insurance or bond upon which there has been no recovery, of not less than the minimum provided for in this section.

State law references-Liability insurance policies, Code of Virginia, §38.2-2200 et seq.; driver responsibilities, Code of Virginia, §46.2-364 et seq.; cancellation of motor vehicle liability insurance policies, Code of Virginia, §§46.2-479, 46.2-482 insurance, bond, etc., of motor carriers, Code of Virginia, §56-299 et seq.

Sec. 20-4. Assignment of stands; application; reservation of right of cancellation.

(a) The town sergeant, upon written application, may designate and assign taxi stands for taxicabs at such places within the town as will best serve the convenience and necessity of the general public. Such stands shall be plainly marked. Such application shall state the location of the desired stand and the number of spaces which the applicant desires to occupy, and it shall contain the written consent of the owner of the property abutting the stand, unless such property is owned or controlled by the town.

(b) One stand not exceeding 22 feet in length, abutting the curb, will be furnished each owner, for his exclusive use, without charge, which stand is to be located on a street where it will not interfere with normal use of such street by the general public, and such stand shall be approved by the town sergeant. The right is reserved by the town and the town sergeant to cancel any stand or space allotted to any owner at any time, when or if it becomes necessary for the town to utilize such stand for facilitating the movement of traffic over the street upon which such stand is located.

Sec. 20-5. Schedule of rates.

The rates for services rendered by taxicabs within the town shall be posted by signs within the taxicab of sufficient size and print to be plainly visible to passengers and shall also be prominently posted and displayed at the taxicab stand.

State Code Reference 46.2-2062.

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Sec. 20-6. Report of accidents required; use thereof.

Every accident, however slight, in which any taxicab is involved shall be immediately reported to the town sergeant. Such report shall not be used against the owner or driver making it in any criminal proceeding, but is for the confidential use of the town's police department. However, such report shall be available to any person, or his attorney, injured in such accident or by reason thereof, or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident.

State law references-Accident reports, Code of Virginia, §46.2-371 et seq.; accident reports required by town ordinance, Code of Virginia, §46.2-381.

Sec. 20-7. Calls-Record required; access for inspection; false calls.

Every owner shall keep a clear, neat record of the origin and destination of all calls and it shall be the duty of all drivers and employees of the owner to report such calls. Such records shall be open at all times to inspection by the town sergeant and shall be preserved for a period of not less than six months. No person shall knowingly make a record of a fictitious call or use any fictitious name in reporting a bona fide call, nor shall a fictitious or false address of the point of origin or destination be knowingly reported.

Sec. 20-8. Same-Completion of those accepted.

No taxicab driver shall fail or refuse to complete accepted calls as promptly as possible.

Sec. 20-9. Reserved.

Sec. 20-10. Consent of passenger required to carry more than one.

Not more than one passenger shall be transported at one time in a taxicab without the consent of the person engaging the vehicle.

Sec. 20-11. Drivers to attend vehicles.

Every taxicab, while in operation for the solicitation or transportation of passengers, shall be attended by the driver at all times, except when such driver is actually engaged in loading and unloading.

Sec. 20-12. Vehicle specifications-Type.

Every taxicab shall be of the enclosed or sedan type with four doors, at least two seats and of not less than four passenger capacity, with a seat belt for every passenger carried.

Sec. 20-13. Same-Condition.

Every taxicab shall be, at all times, in good order and repair, and clean, when in operation.

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Sec. 20-14. Reserved.

Sec. 20-15. Transportation of dirty objects, etc.

Owners of taxicabs are prohibited from transporting or permitting to be transported objects or materials within their vehicles which might leave dirt, stains, dust or otherwise soil or leave unclean the taxicabs or taxicab drivers in such a way that the presence of these conditions might be damaging or objectionable to other persons later using the taxicabs or might lead to an unclean condition therein.

Sec. 20-16. Town license required; annual license tax.

(a) Except when exempted by law, it shall be unlawful for any person to operate or cause to be operated within the town any taxicab unless a town license therefor has been issued to the owner thereof.

(b) Each person engaged in the business of operating a taxicab pursuant to a certificate shall pay an annual license tax of \$30.00 for each taxicab listed in such certificate plus \$0.15 for each \$100.00 of the aggregate gross receipts derived from such business during the preceding year.

State law reference-Local licensing of vehicles for hire, Code of Virginia, § § 58.1-3703(A)

(c) A local transportation service that operates as a nonprofit organization and that primarily serves senior citizens and disabled citizens shall be exempted from any local license tax imposed upon taxicab services and other for-hire transportation services.

State law reference 15.2-967.1

Sec. 20-17. Reserved.

Sec. 20-18. Compliance with chapter.

The operation of taxicabs in the town shall be subject to the conditions, regulations and restrictions set forth in this chapter and it shall be unlawful to operate or cause to be operated within the town any taxicab unless the conditions, regulations and restrictions set forth and prescribed by this chapter have been complied with by the owner. .

Secs. 20-19 – 20-45. Reserved.

ARTICLE II. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 20-46. Prerequisite to issuance of license.

Except as otherwise provided by law, no license for the operation of a taxicab shall be issued by the town, nor shall any taxicab be operated on the streets of the town, unless and until the town council has issued a certificate to the owner thereof.

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Sec. 20-47. Application-Contents.

An application for a certificate, as required in this article, shall be made by the owner or proposed owner to the town council upon forms provided therefor by the town and shall furnish the following information under oath of the applicant:

- (1) The full name and the home and business address of the applicant.
- (2) The trade name under which the applicant does or proposes to do business.
- (3) The financial status and responsibility of the applicant.
- (4) The name and address of any person lending money or furnishing capital to the applicant where the operation or proposed operation is to be financed wholly or in part by means of borrowed money or capital in any form furnished by any person other than the owner.
- (5) The number and kind of vehicles, showing seating capacity, design and color scheme of each.
- (6) The character and location of the depots and terminals to be used, if any.
- (7) Each conviction or plea of guilty for the violation of any criminal law, whether such violation is of a city or town ordinance, state law or federal law.
- (8) The specific experience of applicant in the transportation of passengers for hire.
- (9) All facts or circumstances upon which applicant bases his belief that public convenience and necessity require the granting of his application.

Sec. 20-48. Same-Filing with clerk; sergeant to receive copy.

Upon the filing of an application with the town clerk, the town sergeant shall be furnished with a copy immediately. Such application shall be med with the town clerk at least seven days prior to the regular meeting of the town council at which the application is to be considered.

Sec. 20-49. Determination of public convenience and necessity-Considerations.

The town council shall determine whether the public convenience and necessity require the operation of the taxicabs for which application has been made. In making this determination, the following shall be considered:

- (1) The adequacy, efficiency and safety of existing taxicab service and other forms of transportation for passengers already in existence for the benefit of the residents of the Town.
- (2) The probable permanence and quality of the service offered by the applicant.
- (3) The financial ability, character, qualification and responsibility of the applicant.

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(4) The number and character of vehicles and the character and location of the depots and terminals proposed to be used.

(5) The fact that no depots and no terminals are proposed to be used.

(6) The experience of the applicant in the transportation of passengers for hire in taxicabs.

Sec. 20-50. Same-Burden to be on applicant.

When the town council considers an application for a certificate, the burden shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicabs designated in his application and all other facts required for the granting of such application.

Sec. 20-51. Determination by council.

The town council shall have the authority to grant a certificate as applied for under this article, to grant a certificate for a lesser number of vehicles than that specified in the application, or to deny the application in the exercise of a sound discretion, after a consideration of the factors prescribed by section 20-49.

Sec. 20-52. Issuance; contents.

Upon determination by the council that any application shall be approved, a certificate shall be issued to the applicant by the town clerk and shall contain the following;

(1) The name and address of the owner.

(2) The number, kind and description of vehicles, the operation of which is authorized by the certificate.

(3) The date of issuance and the date of expiration.

(4) The fact that the certificate is being issued subject to the provisions of this chapter and all other laws and ordinances governing the operation of taxicabs in the town.)

Sec. 20-58. Term when valid.

Every certificate issued under this article shall be good and valid, unless revoked or suspended as provided in this article from the date of issuance until the following December 31.

Sec. 20-54. Renewal applications.

Application for renewal certificates similar to original applications shall be filed with the town clerk at least seven days prior to the regular council meeting at which such applications are to be acted upon.

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Sec. 20-55. Transfer procedure.

A certificate issued under this article shall be transferable only by and with the consent of the town council. Application for any such transfer shall be filed with the town clerk and, upon the filing of such application for transfer, the person for whom the transfer is to be made shall file an application as if an original application were being made. The proceedings upon such transfer shall be the same as upon an original application.

Sec. 20-56. Substitution of equipment.

No equipment shall be substituted for that described in a certificate unless and until it has been inspected and approved by the town sergeant and the substitution or addition has been endorsed on the certificate by the town sergeant and attested by the town clerk.

Sec. 20-57. Revocation, suspension or cancellation.

The town council may for a cause cancel, revoke or suspend any certificate issued pursuant to this article after 15 days' notice in writing to the certificate holder.