



## Taxicab Certificate of Convenience and Necessity

Name of Taxicab Business	
Official Mailing Address of Taxicab Business	
Official Telephone Number of Taxicab Business	
Official Fax Number of Taxicab Business	
Official Email of Taxicab Business	
Name of Primary Contact Person of Taxicab Business	
Property Address of Location of Taxicab Business	
Harnett County Tax PIN# of Location of Taxicab Business	

Every Person desiring to operate a taxicab upon and over the streets of Erwin shall file on forms supplied by the Town Clerk an application for certificate of convenience and necessity. The Board of Commissioners shall have the power and it will be its duty to order certain certificates issued, or to refuse to issue certain certificates, or to issue certificates for partial exercise of the rights granted. Only such certificates shall be granted under such terms and conditions as in its judgment the public convenience and necessity may require.

The following solicits information that will be considered by the Board of Commissioners in its determination regarding the issuing of a Certificate of Convenience and Necessity. Please answer each of the following on a separate sheet of paper.

- 1.What is the number and condition of equipment owned by applicant to provide the subject service?**
- 2.What is the proposed schedule of rates for the subject service?**
- 3.What is the experience of the applicant in the taxicab business?**
- 4.What is the location of the operational headquarters for the proposed service?**
- 5.Will there be other locations serving as operational headquarters or auxiliary sites for the proposed service; if so, where?**

### Owner/Applicant Must Read and Sign

The undersigned property owner, or duly authorized agent/representative thereof certifies that this application and the forgoing answers, statements, and other information herewith submitted are in all respects true and correct to the best of their knowledge and belief. The undersigning party understands that any incorrect information submitted may result in the revocation of this application. The undersigning party authorizes the Town of Erwin to review this request and conduct a site inspection to ensure compliance to this application as approved.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Owner or Representative

\_\_\_\_\_  
Date

**Part 6  
Chapter 1  
Article A  
Section 6-1001 – 6-1015**

6-1001

Licensing and Regulation

6-1

**PART 6**

ARTICLE E

**Licensing and Regulation**

Beer and Wine Sales

Chapter 1           Businesses and Trades  
Chapter 2           Street and Sidewalk Use and Regulation

Sections 6-1051 through 6-1060 reserved.

ARTICLE F

**CHAPTER 1**

Amusements

**Business and Trades**

Section 6-1061   License required to operate circus, carnival or similar public entertainment, or mechanical ride.

Article A

Section 6-1062   Application for license; consideration thereof; issuance of license.

Taxicabs

Section 6-1063   Information given on application.

Section 6-1001   Definitions.  
Section 6-1002   Unlawful to operate without certificate.  
Section 6-1003   Application required.  
Section 6-1004   Board issues certificates.  
Section 6-1005   Duration of certificate.  
Section 6-1006   Determination of convenience and necessity.  
Section 6-1007   Hearing, notices.  
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Section 6-1009   Failure to begin operations.  
Section 6-1010   Transfer.  
Section 6-1011   Revocation of certificate.  
Section 6-1012   Substitution of vehicles.  
Section 6-1013   No person to hold more than one certificate.  
Section 6-1014   No parking of taxicabs on streets.  
Sections 6-1015 through 6-1020 reserved.

Section 6-1064   Grounds for denial of license.

Section 6-1065   License issued without payment of fee.

Section 6-1066   Inspections by mayor and police; suspension of license for unsanitary, dangerous or hazardous conditions; nonliability of mayor or police.

Section 6-1067   Disorderly or immoral conduct; sale of obscene material; indecent, immoral or lewd performances prohibited.

Section 6-1068   Suspension or revocation of licenses.

Section 6-1069   Certificate of public liability insurance to be filed in advance.

**ARTICLE A**

**Taxicabs**

**Section 6-1001 Definitions.**

(a) *Persons.* When used in this Article shall mean and include both singular and plural, and shall also mean and include persons, individuals, firms, corporations, partnerships and associations.

(b) *Taxicab.* When used in this Article shall be defined as any motor vehicle seating nine (9) or fewer passengers, operated upon any street or highway on call or on demand, accepting or soliciting passengers indiscriminately for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported, and shall not include motor vehicles or motor vehicle carriers as defined in Sub-Section (k) of Section 62-103 of the General Statutes of North Carolina. (Code 1967, Ch. H, Art. II, Sec. 1)

**Section 6-1002 Unlawful to operate without certificate.**

It shall be unlawful for any person to operate a taxicab upon and over the streets of the Town without first having applied for and secured from

ARTICLE B

Sections 6-1021 through 6-1030 reserved.

ARTICLE C

Pool Rooms and Bowling Alleys

Section 6-1031   License required.  
Section 6-1032   Application for license.  
Section 6-1033   When license refused.  
Section 6-1034   Form and content of license.  
Section 6-1035   Certain prohibitions to be observed by licensee and employees.  
Section 6-1036   Rules for operation.  
Section 6-1037   Licensee responsible.  
Section 6-1038   Revocation of licenses.  
Sections 6-1039 through 6-1040 reserved.

ARTICLE D

Peddling and Soliciting

Section 6-1041   Definitions.  
Section 6-1042   Registration.  
Section 6-1043   Badge.  
Sections 6-1044 through 6-1050 reserved.

the Board a certificate of convenience and necessity as hereinafter set forth. (Code 1967, Ch. H, Art. II, Sec.2)

**Section 6-1003 Application required.**

Every person desiring to operate a taxicab upon and over the streets of Erwin shall file on forms supplied by the Town clerk an application for certificate of convenience and necessity. (Code 1967, Ch. H, Art. II, Sec. 3)

**Section 6-1004 Board issues certificates.**

The Board shall have power and it will be its duty to order certain certificates issued, or [to] refuse to issue certain certificates, or to issue certificates for partial exercise of the rights granted. Only [sic] such [certificates shall be granted under] such terms and conditions as in its judgment the public convenience and necessity may require. (Code 1967, Ch. H, Art. II, Sec. 4)

**Section 6-1005 Duration of certificate.**

A certificate shall constitute a franchise from the Town for the operation of taxicabs within the Town subject to the provisions of this article for one year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually and hearing conducted as herein provided. (Code 1967, Ch. H, Art. II, Sec. 5)

**Section 6-1006 Determination of convenience and necessity.**

(a) In determining whether the public convenience and necessity require franchising of such taxicabs or taxicab, the Board shall, among other things, take into consideration the following factors:

(1) Whether or not the public convenience and necessity require such proposed or additional taxicab service within the Town.

(2) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory.

(3) The number and condition of equipment.

(4) The schedule of proposed rates, if required by the Board to be charged.

(5) The number of taxicabs now operated and the demand for increased service, if any, and

whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved, and whether or not adequate provision has been made for off-street parking of said taxicabs.

(6) The experience of applicant in the taxicab business.

(7) Such other relative facts as may be deemed necessary and advisable.

(b) Before making any decision with respect to the issuance of a certificate of convenience and necessity, the Board, or a committee thereof, shall make a full and complete investigation of all facts, if it so desires, subpoena witnesses and utilize the services of the chief of police or any other officer or employee of the Town. (Code 1967, Ch. H, Art. II, Sec. 6)

**Section 6-1007 Hearing, notices.**

Each application for certificate of convenience and necessity shall be scheduled for a hearing not later than thirty (30) days after the same is filed, and the applicant shall be notified by the clerk by mail to the business address set forth in the application of the date and time of such hearing, such notification to be sent at least ten (10) days before the date set for the hearing. The clerk shall also, within the same time, notify all persons who at the time hold certificates of convenience and necessity for the operation of taxicabs within the municipality of the date and time for such hearing and the name of the applicant. In addition, the Board shall have the power to have published at least once in a newspaper of general circulation at least ten (10) days before the hearing, a notice setting forth the name of the applicant and the date and time of hearing. The cost of such publication to be paid by the applicant. (Code 1967, Ch. H, Art. II, Sec. 7)

**Section 6-1008 Burden of proof.**

The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicab or taxicabs specified in his application, and all other facts required for the granting of a certificate. (Code 1967, Ch. H, Art. II, Sec. 8)

**Section 6-1009 Failure to begin operations.**

If a certificate is granted to an applicant, and said applicant shall fail, in accordance with the provisions of the certificate, to begin operations within sixty (60) days after the date of said certificate, then said certificate shall become null and void, and no refund of any amount paid by the applicant will be made by said Town. (Code 1967, Ch. H, Art. II, Sec. 9)

**Section 6-1010 Transfer.**

A certificate is not transferable without the consent and approval of the Board. Applications for a permit to transfer shall be filed in the same manner as an application for a certificate of convenience and necessity. The proceedings upon such application for a transfer shall be the same as those prescribed for the issuance of a certificate, except that the question of public convenience and necessity need not be proved. No certificate will be issued to any applicant unless such applicant be the holder in due course and for value of the title to such taxicab, and the holder of such certificate only shall be permitted to operate such taxicab, and such applicant shall not be allowed to engage the services of any person to operate his taxicab for him or in his stead at any time. (Code 1967, Ch. H, Art. II, Sec. 10)

**Section 6-1011 Revocation of certificate.**

(a) The Board at any time may after a public hearing revoke any certificate issued by authority of this article for any one, or more, of the following causes:

(1) Failure to operate the taxicab specified in the certificate in such manner as to serve the public adequately and efficiently.

(2) Failure to maintain motor equipment in good repair.

(3) Failure to carry liability insurance or bond as required by law.

(4) Failure to pay to the Town taxes or license fees of fifteen dollars (\$15) imposed upon such taxicabs.

(5) Repeated and persistent violation by the taxicab drivers of traffic and safety ordinances, or state laws relating to alcoholic beverages or prostitution.

(6) Failure to report accidents.

(7) Willful failure to comply with any provision of this ordinance or other ordinances or state laws relating to the operation of taxicabs, whether such ordinances and laws be now in force or hereafter enacted into ordinances and into laws.

(b) No certificate shall be revoked until the owner has had at least five (5) days of notice by personal service or registered mail of the charges against him, and of the time and place of the hearing. If, after the hearing, it is found that the owner is guilty of one or more of the offenses listed herein, the Board shall have the power to revoke the certificate, or to condition a revocation upon compliance of its order within any time fixed by it. (Code 1967, Ch. H, Art. II, Sec. 11)

**Section 6-1012 Substitution of vehicles.**

The person to whom a certificate has been issued may, by proper endorsement thereon by the Clerk, substitute another vehicle, or other vehicles, for the vehicle or vehicles for which certificate was granted. In such instance, the liability insurance or bonds shall also be transferred to such substitute vehicle or vehicles. (Code 1967, Ch. H, Art. II, Sec. 12)

**Section 6-1013 No person to hold more than one certificate.**

The Board reserves the right to issue only one such certificate to any one person, and the person holding such certificate shall be required to operate his taxicab himself and shall have no power or authority by virtue of his certificate to delegate the operation of such taxicab to any person. (Code 1967, Ch. H, Art. II, Sec. 13)

**Section 6-1014 No parking of taxicabs on streets.**

Parking of taxicabs on the public streets for the solicitation of fares or passengers will not be permitted. (Code 1967, Ch. H, Art. II, Sec. 14)

**Sections 6-1015 through 6-1020 reserved.**

**ARTICLE B**

Sections 6-1021 through 6-1030 reserved.

**ARTICLE C****Pool Rooms and Bowling Alleys****Section 6-1031 License required.**

No person shall maintain or operate any pool or billiard table, bowling alley, or other table or alley for any game or play for which a charge is made, either directly or indirectly, unless he shall first have secured a license from the Council to do so. Such license shall expire on June 30 each year, and shall not be transferable.

**Section 6-1032 Application for license.**

Applications for such license shall be made upon forms provided by the Town Clerk, and shall contain all information necessary for the Council to act intelligently upon such applications.

**Section 6-1033 When license refused.**

The Council shall not issue such license to any person:

- (1) Who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs; or
- (2) Who is not a citizen and resident of North Carolina; or
- (3) Who is of immoral character; or
- (4) Who is a habitual user of intoxicating liquor or narcotic drugs.

**Section 6-1034 Form and content of license.**

Every license issued pursuant to this article shall specify the premises for which it is issued, the number of table or alleys to be operated thereunder, the name of the owner or operator, and the dates upon which the license begins and shall expire. Such license shall be posted in a prominent place on the premises at all times.

**Section 6-1035 Certain prohibitions to be observed by licensee and employees.**

Licensee under this article shall not, and neither shall his employees:

- (1) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of any racing, football, or other parlay cards or gambling boards.

(2) Suffer or permit the licensed premises to become disorderly; or permit any profane, obscene, or indecent language thereon.

(3) Suffer or permit any intoxicating liquors or narcotic drugs to be sold or kept or consumed on the licensed premises.

(4) Suffer or permit any person under age of sixteen (16) years to enter or remain on the licensed premises, unless such person be accompanied by his parent or guardian.

(5) Employ in carrying on the business any person who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs.

(6) Suffer or permit any keeley board, keno board, or any other such board or device to be attached to or placed upon any tables.

**Section 6-1036 Rules for operation.**

The following rules shall be observed by all operators of pool rooms within the Town.

(1) All pool rooms shall close at 1 o'clock A.M. each morning, Monday through Friday and 12 o'clock midnight on Saturdays and no person other than the owner, operator or employees shall be permitted on the premises from that hour until 7 o'clock A.M. the following morning.

(2) No play on any table shall be allowed during the times when pool rooms are required by this article to remain closed.

(3) Pool rooms shall remain closed on Sundays.

(4) All pool rooms shall be operated only on the ground floor of a building, and plate glass window shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.

(5) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where pool is played and the rear wall of such room. A clear view of the interior from the entrance to the rear of the room must be maintained at all times.

(6) No partitions forming rooms, stalls, or other enclosures where the public congregates shall be permitted. Provided, this shall not be construed so as to prohibit the maintenance of closets used exclusively for storage purposes, or of toilets.

(7) There shall not be permitted or maintained any open or secret connections through doors, windows, trap doors, hidden doors, panels, stairways, or other devices with any place where gambling is conducted or where persons meet or congregate for immoral purposes.

**Section 6-1037 Licensee responsible.**

The acts and conduct of the agents and employees of the licensee in the conduct of the business shall be deemed to be the acts and conduct of the licensee.

**Section 6-1038 Revocation of licenses.**

A second conviction of a licensee, or his agent or employee, for any violation of any provision of this article shall by operation of law constitute an automatic revocation of the license of such licensee. In addition, the Council may at any time, for cause, and after a hearing, of which such licensee shall be given such reasonable notice as the Council may direct, revoke any license issued pursuant to this article.

**Sections 6-1039 through 6-1040 reserved.**