

MINUTES OF REGULAR MEETING  
BOARD OF ALDERMEN TOWN OF CHAPEL HILL  
JANUARY 14, 1946

BOOK 7

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Mayor Madry presided over the meeting. The members present were Aldermen Burch, Fitch, Hobbs and Lanier. Others present were Mr. Hinson, Mr. Hinshaw, Mr. Peacock, Dr. Garvin and Mr. Canady of the Health Department, Mr. E. C. Smith, Mr. Louis Graves, Mr. Roy Parker and several students from the School of Journalism, and Adolphus Clark.

The Minutes of the preceding meeting were read and approved.

Mr. Smith, representing the Merchants Association, came before the Board to ask that they consider several items for civic improvement.

These were as follows:

1. Keep Franklin Street cleaner than it is at present. Trash cans placed at strategic points along Franklin Street and enforce the law that no trash could be thrown on the streets.
2. Traffic problem. Heavy trucks unloading on Franklin Street and remaining parked for long periods.
3. Removal of island on Columbia Street. The merchants felt that this island was serving no useful purpose and the space could be used to a better advantage if it was removed.
4. The main point of the Association's request was for paved sidewalks. They asked that Columbia Street be paved on both sides from Town Hall to Carolina Inn, and Franklin street from Bicycle shop to the group of new stores on West Franklin Street.

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All the matters were discussed by the Board and The Town Manager was asked to try to secure trash cans for Franklin Street. As to the trucks on Franklin Street it was decided that the Police Department should check this problem and see if some of it could be eliminated.

Mr. Hinson was asked to ascertain the cost of removing the island on Columbia Street and also to see if the State Highway Department

would do the job.

There was much discussion on the matter of sidewalks and Mr. Hinson stated that a test was being made with the gravel now used by the Town and certain types of asphalt and a report would be given on this. He was asked to obtain the costs of other types of side walk material.

Mr. Canady and Dr. Garvin reported on the work of the Health department for the month of December. Their report is attached hereto. The matter of dog vaccination was discussed but no action was taken.

Additional requests for civic improvement were presented to the Board in a petition signed by representatives of the Negro Civic Club and Community Health Club. Adolphus Clark represented these clubs before the Board. The main points of the petition were as follows:

1. A sewer line in the Sunset Drive Area
2. Street markings.
3. Drainage system for Cotton Chapel Lane, Brooks Street and North Graham Street
4. Trash cans for the business section of West Franklin Street.
5. Traffic light at Roberson and West Franklin Streets. 262

After some discussion it was decided that nothing could be done at present on the sewer line. The proposed new sewer system for Chapel Hill would take in this Area. Upon motion made by Alderman Lanier, seconded by Alderman Burch and passed unanimously, it was decided that another blinker light would be ordered if one could not be obtained here to be placed at Roberson and Franklin Streets.

It was the unanimous opinion of the Board that something should be done about marking the streets. It was decided that the Town Manager should obtain samples and prices of street signs, and if they could be obtained the cost would be charged to the street fund.

The Town Manager was instructed to obtain sufficient trash cans for West Franklin Street.

Mr. Hinson stated that something would be done on the drainage for those streets outlined in the petition.



The matter of removing a large oak tree on property at Rosemary Street and Pritchard Avenue, formerly owned by G. M. Hill, was discussed by the Board. In a letter to Mr. Hinson, Mr. Hill stated that the tree was damaged when the roots were cut at the time the curbing was installed. He stated that the tree had deteriorated to a degree that it was dangerous to leave it standing and he felt that it was the responsibility of the town to have it removed. Action on this matter was deferred to the next meeting.

The ordinance for the regulation of taxicabs in Chapel Hill was again discussed and after a few minor changes, Alderman Lanier made the motion that the amended ordinance be adopted to become effective February 15, 1946. Seconded by Alderman Fitch and unanimously passed. The ordinance is attached hereto and made a part of these minutes.

Mayor Madry stated that Dr. Meyer had requested for two additional members at large to be appointed to the Recreation Commission. Alderman Burch moved that the request be granted, seconded by Alderman Hobbs and unanimously passed. It was decided that Dr. Meyer would be asked to make recommendations at the next meeting.

Mr. Hinson gave the reports of the fire and police departments.

Mr. Peacock reported that there was still a shortage of in the gasoline. After much discussion it was decided that a lock would be obtained for the tank and the fire Department put in charge of the key at all times.

The meeting adjourned.

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*Mae Wilkie*  
Mae Wilkie  
Clerk

TAXICAB ORDINANCE FOR THE  
TOWN OF CHAPEL HILL

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ARTICLE 1.

Sec. 1. Definitions.

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

(a) The term "vehicle for hire" or "taxicab" shall include every vehicle driven or propelled by gasoline, electric motor or other mechanical devices other than motor busses operating along regular routes or schedules which shall be used for the purpose of carrying, transporting or conveying of any person from one place to another, for which services a charge or fee is made.

(b) The term "streets" shall mean every street, alley, or driveway, whether improved or unimproved which has been dedicated to the public and under the charge and control of the City.

(c) The term "driver's permit" means the permit issued after examination, authorizing a person to drive a motor vehicle or taxicab operating under this article.

(d) The term "operator's license" means the permit or license issued to a person who owns a motor vehicle or taxicab to be used for hire and transporting passengers within the City. 264✓

(e) The term "person" means individuals, firm, corporation or association of persons.

Sec. 2. Operator's License.

(a) Before any person shall operate a taxicab or motor vehicle for hire on the streets, alleys and highways of the city, he shall



receive a permit or license from the Board of Aldermen to engage in the business of operating such taxicab or motor vehicle for hire, and he shall file a written application with said Board of Aldermen asking for such permit or license for such business, and after receiving such permit shall file an additional application for every additional taxicab or motor vehicle proposed to be used in connection with said business.

(b) The application for such permit or license shall be filed with the City Manager and shall contain such information as the City Manager may direct, and said application shall be submitted by the City Manager at the next meeting of the Board of Aldermen, and no permit or license shall be issued or permitted without the approval of the Board of Aldermen, except as hereinafter set out.

(c) The Board of Aldermen shall determine as to whether or not a permit or license should be issued and in subsequent applications for the privilege of operating additional taxicabs or motor vehicles as contemplated herein, the Board of Aldermen shall determine whether or not public convenience and necessity require same, and if, in the opinion of the Board of Aldermen, public convenience and necessity will not be promoted by such additional proposed service, then the Board of Aldermen shall not grant the applicant the right to operate additional taxicabs or motor vehicles for hire, as the case may be.

(d) Due consideration shall first be given to original applications of persons now operating taxicabs, or motor vehicles for hire in the city where such persons hold state licenses authorizing them to do business. 265

(e) The Board of Aldermen shall have the right to revoke a permit or license issued to any operator either wholly or for any given number

of taxicabs or passenger for-hire vehicles if such operator to whom a permit is issued is convicted of a felony or violation of any Federal or State statute relating to the possession or sale of intoxicating liquors, or violation of any Federal or State statute relating to prostitution, or violation of any Federal or State statute relating to the use, possession or sale of narcotic drugs; or who has been guilty of repeated violation of the traffic laws or ordinances, or who has become a habitual user of intoxicating liquors or narcotic drugs. And in the event the operator who holds such permit or license is a corporation, association or partnership the right of revocation of such permit or license issued to such corporation, association or partnership shall be retained by the Board of Aldermen and the provisions of this section shall apply in equal force if the person or persons in active charge of the management of a violation of any of the provisions set forth in this section, when in such violation any property employed by the permittee in carrying on the said business shall be used directly or indirectly by such managing agent or director.

(f) In addition to the remaining provisions of this ordinance the Board of Aldermen shall have the right and authority to revoke any permit issued to an operator hereunder, in whole or for a certain specified number of taxicabs or for-hire vehicles, when the permittee fails or refuses to keep in actual operation as taxicabs and passenger for-hire vehicles for which he or it has been granted a permit; and the Board of Aldermen shall have further power and authority to revoke any operator's permit when the Board of Aldermen finds that the continued operation of such business or the continued operation of any stated number of taxicabs or for-hire vehicles by such permittee will be contrary to the public

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welfare, morals, safety or convenience.

Sec. 3. Permits required for drivers; temporary suspension of permits by City Manager; Revocation of Permits.

A. No person shall drive any vehicle for-hire or taxicab carrying passengers for-hire from place to place within the City after the effective date of this ordinance, unless that person shall have first applied for and secured a permit from the City Manager. Such application for a permit to drive a vehicle for-hire carrying passengers or taxicab shall be in writing and signed and sworn to by the applicant, and shall contain the following specific information, to-wit:

- (1) The full name, age and address of applicant.
  - (2) The length of time of his local residence in Chapel Hill and in North Carolina; and whether or not he is a citizen of the United States.
  - (3) His full personal description, including his height, weight, race, color of eyes, complexion, color of hair, body and facial marks and defects, if any.
  - (4) His previous experience in driving taxicabs and for-hire vehicles carrying passengers; and whether he is married or single and the number of his children, if any.
  - (5) Whether or not he has been convicted of a felony, and full information concerning same; likewise, whether he has a police record of any conviction of a misdemeanor, either in Chapel Hill or any other place, and full information concerning same.
  - (6) Whether he has been convicted of any violation of the law in the operation of a motor vehicle, and if so, full information concerning same; whether he has been convicted of any law relating to the sale, possession or use of narcotics or intoxicating beverages, and if so, full information concerning same; and whether he has been convicted under any law relating to morals, and if so, full information concerning same.
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B. The applicant shall file with his application a State chauffeurs license and also submit a certificate of a reputable physician in Chapel Hill showing that, after examination, such applicant is not afflicted with any active venereal disease or with any other disease, physical disability or physical affliction, which would materially impair his ability to drive a taxicab or for-hire vehicle carrying passengers in a safe manner. Such certificate shall also specifically state the condition of the hearing and eyesight of the applicant.

C. The City Manager shall thereupon issue a permit to the applicant to drive a taxicab if, after a thorough study of his application and of the physician's certificate submitted therewith, he is of the opinion that he is a safe driver and is qualified physically and morally to drive, and that a permit issued to said applicant will be consistent with the public interest, welfare, morals, and safety.

D. The City Manager may refuse to issue such permit to any person who has been convicted of a felony, a violation of any Federal or State statute relating to the use, possession or sale of intoxicating liquors, any Federal or State statute relating to prostitution, any Federal or State statute relating to the use, possession or sale of narcotic drugs, and may refuse to issue such permit to any person who is not a citizen of the United States, or to any person who is a habitual user of intoxicating beverages or narcotic drugs, or to any person who has been a habitual violator of traffic laws or ordinances; and the Board of Aldermen may likewise refuse to issue such permit to anyone whose physical or mental condition is such that, in the opinion of the Board of Aldermen, it would be unsafe to passengers or to the public generally for such person to drive such taxicab transporting passengers for hire; and the City Manager may, in any case, refuse to issue such permit when

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the issuance of same would be contrary to the public morals, welfare, or safety; in case of refusal to issue said permit the applicant may appeal to the Board of Aldermen.

E. Pending consideration and investigation of the application the City Manager may grant the applicant a temporary or probational permit, and he may grant a permit for a stated period of time or until such application has been definitely accepted or rejected.

F. The City Manager may revoke any such driver's permit if the person to whom it was issued is convicted of a felony, or violation of any Federal or State statute relating to the possession, sale or use of intoxicating beverages, or violation of any Federal or State statute relating to prostitution, or the violation of any Federal or State statute relating to the use, possession or sale of narcotic drugs; or who has been guilty of repeated violations of the traffic laws or ordinances, or who has become a habitual user of intoxicating beverages or narcotic drugs. And the City Manager shall have further power and authority to revoke any driver's permit when he finds that by reason of the mental, moral or physical condition of such permittee, or for any other reason, the continued driving by the permittee of any taxi-cab or for-hire vehicle carrying passengers will be contrary to the public welfare, morals or safety.

+ Before revoking any such permit which may have theretofore been issued, the City Manager shall cause a notice to be mailed to the permittee and a copy mailed to the operator notifying him to appear at the next regular meeting of the Board of Aldermen, or at any special meeting thereof, and show cause why such permit should not be revoked. However, if a driver is convicted of speeding or reckless driving, the City Manager shall revoke his license to drive a taxi-cab for a period

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of thirty days.

G. Whenever the City Manager shall be of opinion that the further driving of a taxicab or for-hire vehicle carrying passengers by a permittee is or will be dangerous, or that continuing to drive such taxicab will be detrimental to public safety, health, morals or welfare, upon recommendation of Chief of Police, he shall have the power and authority to summarily suspend such permit until the next regular meeting of the Board of Aldermen, at or before which time he shall report his action to the Board of Aldermen for its determination of whether the permit shall or shall not be revoked. In any such case, the City Manager shall notify the permittee at the time his permit is suspended that the question of revoking or not revoking such permit will be heard and considered at the next regular meeting of the Board of Aldermen, stating the date and place of such meeting, at which the permittee shall have the right to be heard. Whenever such permit is temporarily suspended by the City Manager, the permittee shall immediately deliver to the said City Manager his permit which has heretofore been issued to him by the City Manager as elsewhere provided, and the City Manager shall retain the same until the question of revocation has been finally determined; and if it is finally determined that the permit should not be revoked the City Manager shall return such permit to the permittee. The requirement of notice by mail elsewhere provided for herein shall not apply when the permit is temporarily suspended by the City Manager and the question of revocation originates therefrom as herein provided.

Sec. 3. (a) Requirements as to Owners and Operators of Taxicabs and For-Hire Passenger Carrying Vehicles.



It shall be the duty of every owner or operator of a taxicab or for-hire vehicle, as defined in Section 1 of this ordinance, to comply with the provisions of this ordinance and to require that all drivers or chauffeurs driving or proposing to drive any such taxicab or for-hire vehicles for such owner or operator adhere to and at all times conform to the requirements of this ordinance.

It shall be unlawful for any owner or operator of a taxicab or motor vehicle for hire to drive or operate any taxicab or for-hire passenger carrying vehicle upon the streets of the City of Chapel Hill in violation of any of the provisions of the ordinances of the City of Chapel Hill; and it shall further be unlawful for any owner or operator of any such taxicab or passenger for-hire vehicle to knowingly permit or cause to be driven or operated, upon any of the streets, avenues, boulevards, alleys or other public ways of the City of Chapel Hill any such taxicab or for-hire vehicle belonging to such owner or operator, by any driver or chauffeur who has not complied with or who violates any of the ordinances of the City of Chapel Hill relating to such chauffeur or driver.

Sec. 3. (b) Appeals; Procedure.

If the Board of Aldermen shall refuse to grant, or shall revoke, a permit to operate a taxicab or taxicab business, or shall refuse to grant, or shall revoke a permit to drive a taxicab or for hire vehicle carrying passengers, the applicant or permittee, as the case may be, shall have ten days from the date of such action by the Board of Aldermen to appeal in the manner hereinafter provided, and, by certiorari to the Judge of the Superior Court presiding over the Superior Court in Hillsboro, have the action of the Board of Aldermen reviewed. Notice of any such appeal, unless given to the Board of

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Aldermen at the meeting of said Board at which the action complained of was taken, shall be in writing and served upon the City Manager within ten days from and after the date of the decision announced by the Board of Aldermen. Unless such appeal is perfected within such period and in the manner herein provided for, the said appeal shall be conclusively presumed to have been withdrawn and abandoned, and the action and decision of the Board of <sup>Aldermen</sup> shall stand as final. In the event such appeal is taken and perfected as herein provided, the rules of procedure governing appeals from the decision of the governing body of a municipality by certiorari to the Judge of the Superior Court shall control.

During the pendency of any appeal from a decision of the Board of Aldermen by which it refused to issue a permit, or by which it revoked any permit, to operate or drive a taxicab or for-hire vehicle carrying passengers, it shall be unlawful for such appellant to operate or cause to be operated, or to drive or cause to be driven any such taxicab or for-hire vehicle carrying passengers within the corporate limits of the City.

Sec. 3. (c) Construction of Sections 2, 3, 3(a), 3(b).

If any part, clause or sentence of Sections 2, 3, 3(a), or 3(b) of this ordinance shall be deemed to be invalid or unconstitutional such ruling or decision shall not affect the remaining sections, and such remaining sections shall remain in full force and effect; and it is the legislative intent of the Board of Aldermen in the passage of this ordinance that each provision contained in the above mentioned sections is separable and independent of all other provisions thereof, and that such sentences, clauses or portions thereof as may be held to be valid

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would have been passed without the passage of any other provisions thereof which may be held to be invalid.

Sec. 4. Motor governor; inspection.

Each taxicab or motor vehicle for-hire shall be equipped with an automatic mechanical regulating device, which will limit the flow of fuel into the combustion chamber of the motor, so that the maximum speed attained on such proving ground as may be established by the City Manager, will not exceed thirty-five miles per hour, within the city limits.

The City Manager shall from time to time cause to be made an inspection of public vehicles. If any vehicle shall be found unsafe or unfit for operation, notice shall be given the holder of the certificate and license thereof, and such vehicle shall not be operated thereafter until same has been put in safe and fit condition.

Sec. 5. Ownership Designation.

It shall be unlawful for any person to operate or cause to be operated within the city any vehicle for-hire or taxicab carrying passengers for-hire from place to place within the said city, unless that person has the correct name of the person operating such vehicle for hire or taxicab, together with the telephone number of every such person operating such vehicle for hire or taxicab, clearly and visibly printed in paint on both sides and the rear of said car, in letters at least four inches high. Every such person operating more than one vehicle for-hire or taxicab in the city carrying passengers for hire, shall assign to each said vehicle for hire or taxicab so used, a number from one up to the number of vehicles for hire or taxicabs operated by any one person, which number so assigned shall be printed on both sides of said vehicles for hire or taxicabs in figures at least four inches in height; and it shall be unlawful for any one person to operate in

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said city more than one such vehicle for hire or taxicab with the same numbers painted thereon. Every person operating one or more vehicles for hire or taxicabs in the City shall give the current name and address of the true and actual owner of such taxicab to the Chief of Police at the time he receives his permit to operate the same; and if he now has such a permit and has not complied with the provisions of this section, he shall do so immediately.

(a) It shall be unlawful for any person, firm or corporation to operate or cause to be operated within the city any taxicab or vehicle for hire carrying passengers for hire from place to place within said city unless such person, firm, or corporation operating such vehicles is the owner of the same and has duly applied for, and received a permit from the Board of Aldermen in his or its own name to operate such taxicab or for-hire vehicle.

(b) No permit granted by the Board of Aldermen to operate a taxicab or for-hire vehicle carrying passengers within the city shall be transferable and in case the operator who has secured a permit to operate such a taxicab or for-hire vehicle disposes of such vehicle, or the ownership and possession passes from him or it by any means, the said permit theretofore issued to him or it for the operation of such taxicab or for-hire vehicle shall thereupon become null and void; and in the event any taxicab or for-hire vehicle, for the operation of which the owner has secured a permit as provided by law, shall become damaged or worn out or for other reason is rendered unfit for use and its use discontinued by such owner for taxicab or for-hire purposes, and such owner desires to operate another vehicle in its place, then such owner shall file an affidavit with the City Manager setting forth the fact that such vehicle has been discontinued in use and that such

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other vehicle has replaced it. Such affidavit shall also contain the motor number, make, serial number and body style of the vehicle whose use is discontinued and the same information as to the vehicle which is to replace it. Such affidavit shall be filed before the vehicle replacing the one whose use is discontinued shall be operated as a taxicab or for-hire vehicle.

Sec. 6. Rates.

Every taxicab or motor vehicle for-hire under the terms of this article shall charge a maximum of not more than twenty-five cents for the transportation of one to five passengers, inclusive, on a single trip to a designated terminus or destination within the city limits; (1) Provided, however, that it shall be lawful to charge an additional twenty-five cents for each passenger who requires the vehicle to stop for his convenience beyond the first terminus; however, not more than one fare per stop may be collected. (2) A fee of ten cents may be charged by the driver of a for-hire vehicle for each piece of baggage he is required to transport.

Sec. 7. Schedule of Fares to be Kept on Display in Cab.

It shall be unlawful for any owner or operator of a taxicab or for-hire vehicle carrying passengers to allow or permit the same to be driven or operated upon the streets of the City of Chapel Hill unless there is posted and kept posted in such taxicab or for-hire passenger vehicle a printed schedule of fares and rates not exceeding the maximum amounts authorized by the ordinances of the City of Chapel Hill; and such schedule of fares and rates shall be in such form and posted in such place or places in the interior of said taxicab as may be approved by the City Manager.

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Sec. 8. Rides Without Paying Therefor.

Every person or persons requesting a taxicab operator or driver to take him to a designated terminus and refuses to pay the fare or fares set out in this ordinance, or legitimate charge for carrying baggage, shall be presumed to have fraudently obtained such services with intent to cheat the operator or driver of his just charges and shall be guilty of a misdemeanor and punished.

ARTICLE II. LIABILITY INSURANCE FOR TAXICABS,  
JITNEY BUSES, ETC.

Sec. 9. Liability Insurance or surety bond required; amount.

From and after the date of this ordinance it shall be unlawful for any person engaged in the business of transporting passengers for hire over the public streets of the city or between the City of Chapel Hill and points within a radius of five miles thereof to operate any jitney bus, taxicab, or for-hire car (except those operated under the jurisdiction of the Utilities Commission of the State), without furnishing and keeping in effect for each jitney bus, taxicab, for-hire car, or other such motor vehicle so operated a policy of insurance or surety bonds with sureties whose solvency shall at all times be subject to the approval of the City Manager, said policy of insurance or surety bonds to be conditioned on such operator responding in damages for any liability incurred on account of any injury to persons or damage to property resulting from the operation of any such jitney bus, taxicab, for-hire car, or other such motor vehicle upon the streets of the city or between the City of Chapel Hill and points within a radius of five miles thereof, in the following amounts, viz:

- \$ 5,000.00 for injury to one person in case of one accident.
- \$ 10,000.00 for injury to more than one person in one accident.
- \$ 500.00 for property damage in one accident.

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and the same shall be filed with the City Manager as a condition precedent to the operation of any such jitney bus, taxicab, for-hire car or other such motor vehicle over the streets of the city or between the City of Chapel Hill and points within a radius of five miles thereof.

Sec. 10. Immediate Report of Accident to Police Required.

It shall be unlawful for the driver of any taxicab or for-hire passenger vehicle to move the same or cause the same to be moved, after a collision or accident involving such taxicab, until such driver shall have first reported the same to the Police Department of the City and a police officer has arrived at the scene of such accident or collision and authorized the moving or removal of such taxicab.

Sec. 11. Penalties for Violation of the Provisions of This Ordinance.

Any person, firm, or corporation violating any of the provisions of Code of the City of Chapel Hill, 1945, as amended, shall, upon conviction, pay a fine of Fifty (\$50.00) Dollars for each offense or violation and each day said offense occurs or continues shall constitute a separate and distinct offense, unless the particular section alleged to have been violated shall prescribe its own penalty, in which event the penalty provided in such section shall apply.

In addition to the foregoing penalty every such taxicab or for-hire passenger vehicle which shall be driven either by the owner or by a driver in violation of any of the provisions of this chapter shall be required to be kept out of operation as a taxicab or for-hire vehicle upon the streets, avenues, boulevards and public alleys and ways of the City until such time as the same shall be driven by an owner, operator or driver who has complied with the provisions of said sections. Any owner or operator who shall fail or refuse to cease having such taxicab

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or for-hire vehicle driven in violation of the provisions of this chapter shall, upon conviction, pay a fine of Fifty (\$50.00) Dollars for each offense or violation, and each day said offense occurs or continues shall constitute a separate and distinct offense.

Sec. 11 $\frac{1}{2}$ . All actions taken by the City Manager shall be reported to the Board of Aldermen at its next regular meeting.

Sec. 12. All laws or clauses of laws in conflict with this ordinance are hereby repealed.

Sec. 13. This ordinance shall be effective and in force from and after the 15th day of February, 1946.

Mae Wiekie  
City Clerk

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