



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Town's Code of Ordinances, Chapter 46 VEHICLES FOR HIRE shall be modified as follows:

PART I. That **Sec. 46-2. Definitions.** *Limousine* and *On call or on demand* – be amended as follows:

Limousine means any "for hire" chauffeur-driven vehicle that meets the manufacturer's specifications for a luxury limousine, that provides transportation to passengers for compensation by prearrangement and that does not accept passengers indiscriminately between points or along roads or highways. Limousine service compensation may not be computed by means of a meter. Limousines must carry an appropriate registration plate to distinguish them from taxicabs and other vehicles for hire. 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 on demand.

On call or on demand means the immediate availability of vehicle for hire service in response to public need throughout a 24-hour period.

PART II. That **Sec. 46-5. Inspections.** paragraph (a) be replaced with the following:

(a) Certificate holders shall bring in each vehicle for hire, with affixed medallion on the window, on the day specified by the chief of police or his designee in April of each year to be inspected by the town.

PART III. That **Sec. 46-11. Rates and fares.** paragraph (c) be amended as follows:

(c) Notwithstanding section 46-14, Changes in rates and fares, the director of public safety chief of police may authorize a gasoline surcharge of \$2.00 per trip for a period of time not to exceed six months upon finding that fuel prices have risen more than 30 percent in the prior six months.

PART IV. That **Sec. 46-13. Manifest; driver's daily manifest to be kept; right of inspection by police and town manager.** paragraph (a) be amended as follows:

(a) Every driver shall maintain a daily manifest upon which shall be recorded all trips made each day, the time, place of origin and destination of each trip, the number of passengers and amount of fare or fee for each trip; manifests shall be in a form approved by the director of public safety chief of police and shall be furnished to the driver by the operating certificate holder.

PART V. That **Sec. 46-19. Operation as taxicab.** be amended as follows:

Other than vehicles for hire which meet the definition of a taxicab, vehicles for hire, including limousines, shall not operate within the town as taxicabs by engaging in cruising or providing service on call or on demand.

PART VI. That **Sec. 46-46. Issuance; terms and condition; grounds for denial.** be amended as follows:

The town manager shall grant a certificate when the applicant therefor has established to the town manager's satisfaction that the ~~that~~ requirements of his this article are complied with, and that the factors set out in section 46-44, favor the issuance of a certificate. Otherwise, the town manager shall deny a certificate to the applicant. Each certificate granted by the town manager may contain such terms and conditions, as the town manager may consider desirable to impose for the public welfare, safety, convenience or necessity.

PART VII. That **Sec. 46-84 (b) Fingerprints and photographs.** be amended as follows:

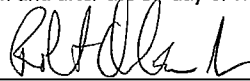
(b) Fingerprints and photograph. Upon filing of an application for a permit, the applicant shall provide two passport-sized photographs showing the applicant's face and shall proceed to the department of public safety, police division for taking of fingerprints and a photograph. The photograph and fingerprinting are required for completion of the application process.

PART VIII. That **Sec. 46-85. Investigation by the chief of police.** be amended as follows:

The applicant's criminal history shall be investigated by the chief of police or his designee prior to the issuance of a permit. There shall be no dissemination of criminal records to non-criminal justice agencies. Pursuant to N.C.G.S. 160A-304(a), the chief of police is authorized to conduct a national criminal history background check on any applicant and is hereby authorized to use FBI records to perform such check. If the chief of police determines that a national criminal history background check may provide relevant information regarding the applicant's fitness for receipt of a permit, the chief of police shall comply with the procedures contained in N.C.G.S. 160A-304(a) for obtaining the necessary authorizations and information and for providing that information to the SBI and the Department of Justice. The town may charge an additional fee to cover the costs of a national criminal history background check if one is performed.

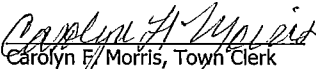
PART IX. Effective Date.

This ordinance shall be in full force and effect from and after the 3rd day of November 2010.



Robert O. Oakes, Jr., Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: November 3, 2010

Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS

