



ORDINANCE NO. 09-796

**An Ordinance Amending the Carolina Beach Code of Ordinances**

**Chapter 8 Licenses & Business Regulations,**

**Article VII Taxicabs, Division 5 Requirement for Controlled Substance Examination**

The Town Council of the Town of Carolina Beach hereby amends Chapter 8 Licenses and Business Regulations, Article VII Taxicabs, by adding a new division (5) as follows:

**Division 5 Requirement for Controlled Substance Examination**

**Sec. 8-174.3 Generally.** The Town of Carolina Beach Code of Ordinances provides that applicants for initial and renewal drivers' permits and permittees shall be subject to and pass controlled substance examination at such times and places determined by the town manager. The applicants and permittees' shall bear the cost of such examinations.

**Sec. 8-174.4 Procedures.** The following procedures will be followed to implement these ordinance requirements:

(a) Applicants for Drivers' Permits: Each applicant for an initial or renewal drivers permit shall be subject to a controlled substance examination and shall pass such examination prior to the issuance of a driver's permit. A confirmed positive test result on the controlled substance examination shall be the basis for the refusal to issue a permit. The test shall be administered by an accredited laboratory/health care provider approved by the Town of Carolina Beach. The applicant shall pay the full cost of the examination.

(b) Reasonable Suspicion: All drivers are subject to testing as a result of circumstances that lead to the town Manger to have reason to suspect controlled substance usage. Such circumstances shall include but not limited to:

1. Direct Observation of controlled substance abuse and/or the physical symptoms of being under the influence by a law enforcement official;
2. A written report of controlled substance use made under oath and signed by a complainant; or
3. A driver's involvement in an accident resulting in injury to persons or property damage where the driver was at-fault.

If the Town Manager has reasonable suspicion, the driver shall be directed to take a controlled substance examination at a facility approved by the Town of Carolina Beach. The driver shall pay the cost of the examination. The test also may be conducted by the taxi owner with consent of the Chief of Police. A positive test or refusal will result in the revocation of the driver's taxi permit.

(c) Time for Disqualification: If an Applicant for a drivers permit is denied a permit or a driver has been revoked because of a positive test result or refusal to submit to a test, the Applicant or driver shall be disqualified from re-applying for a permit as follows:

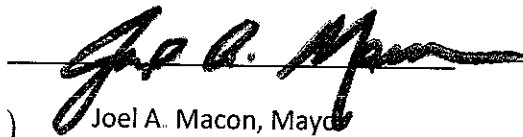
For the first positive test result: Six (6) months

For the second positive test result, or the failure to submit to a test: One (1) year – if the applicant or driver submits evidence of a participation in a substance abuse program; and

For the third positive test result: Five(5) years

Notwithstanding the foregoing, this ordinance shall not limit any period of disqualification set forth in this section

ADOPTED THIS 14<sup>TH</sup> DAY OF JULY 2009.

  
Joel A. Macon, Mayor

Attest:

  
Melinda N. Prusa, Town Clerk

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