

CHAPTER XXXVI
Licensure of Taxicabs, permit to Operate Taxicabs, Operation, Fares, Penalties
and Enforcement

The rules and regulations of this section are promulgated pursuant to G.L., C. 40, Sec. 22.

1. **Definitions:** The following definitions shall apply to this chapter of the Town of Danvers General By-laws unless a contrary meaning is plainly intended or required by law.
 - a. **Taxicab:** A car or similar conveyance which, together with the driver, offered for hire to transport one or more persons in Danvers, or between a point in Danvers and any point outside the Town, there is an exception for common carriers, livery services, vehicles used in connection with funerals, and government operated transportation entities.
 - b. **Taxicab Businesses:** A business in any form, whether sole proprietorship, partnership, corporation or trust, which engages in the business of operating taxicabs in the Town of Danvers.
 - c. **Taxicab Driver:** One who actually drives, controls, or operates a taxicab in the Town of Danvers, accepting persons who are duly and properly licensed to operate a taxi in another community and whose only operation in Danvers is the passing through or completion of a trip which originates in another community.
 - d. **Party:** A party shall be considered any number of individuals with the same origin and destination.
2. **Licensure of Taxicabs/Taxicab Business:**
 - a. **License Required:** No taxicab shall be driven, operated or caused to be operated as a vehicle for hire without a valid license obtained for that vehicle from the Town's Board of Selectmen. Each vehicle shall require a separate Taxi license plate and registered as a taxicab with the Commonwealth of Massachusetts.
 - b. **Application:** Each applicant for licensure of a taxicab business shall submit an application on a form approved by the Selectmen and who shall approve such licensure only after a public hearing, after being satisfied that the applicant or responsible manager of the applicant is no less than twenty-one years of age at the time the application is received, and review by the Chief of Police (or by his/her designee). The application shall include the following information:
 - i. The intended place of business within the Town of Danvers
 - ii. The name of the manager or principal representative
 - iii. Proposed hours of operation
 - iv. Telephone number where the licensee may be contacted in the evening
 - v. Description of the proposed vehicle(s) including the make, model, mileage, and age of the vehicle(s)
 - c. **Review by Chief of Police**
 - i. Upon receipt of all applications for taxicab licensure the Board of Selectmen shall forward said applications to the Chief of Police for review. The Chief of

Police shall review the application for licensure of all applicants and forward his/her comments and/or recommendation, if any, to the Board of Selectmen no later than thirty (30) days after receipt of the application. No license shall be granted until the Chief of Police has reviewed the application.

d. Insurance

- i. As a pre-condition to licensure as a taxicab business, the applicant shall submit, along with the aforesaid application proof of insurance for all vehicles to be used in the business issued by an insurance company authorized to do business within the Commonwealth of Massachusetts pursuant to G.L. c. 175 sec. 47 with single limit coverage of at least one million dollars (\$1,000,000). A copy of the certificate shall be delivered to the Town Clerk. The Town shall be listed as a Certificate Holder with the Certificate provided to the Board of Selectmen and notice of cancellation or amendment of the policy shall be given to the Chief of Police with no less than thirty (30) days notice prior to said cancellation or amendment.

e. Liability

- i. The licensee is at all times responsible for his/her vehicle(s) and shall be liable for all penalties and/or damages from his/her operation of the vehicle(s) by an employee or agent.

f. Grant or Denial of License

- i. The Board of Selectmen may upon receipt of an application, issue a license under such terms and conditions as they deem appropriate to promote the public interest. The Board, in determining whether or issue a license, may consider public demand, the effect of the proposed service on the relevant safety and traffic conditions, the character and financial responsibility of the applicant, the condition of the proposed vehicle(s), and any and all other relevant facts or circumstances. In addition, the Board may decide to grant a license on a temporary basis for good reason, not to exceed six (6) months.

g. Miscellaneous:

- i. Storage: No taxicab license shall be issued to any vehicle that is not stored and garaged on private property
- ii. Telephone: At all times the company shall maintain a business telephone number in the Town of Danvers.
- iii. The owner or one member of the firm or corporation shall also, at all times, carry a valid Town of Danvers Taxicab Driver's Permit

h. Term and Fee

- i. Term: Any license shall expire on December 31st next ensuing unless sooner revoked or surrendered. Any licensee who permanently ceases to operate the taxicab business or ceases to operate for an aggregate of 90 days or more shall forthwith surrender the license to the Board of Selectmen.
- ii. Fee: The annual fee for each license issued shall be one hundred dollars (\$100) for the Taxicab business including one vehicle and fifty dollars (\$50) per additional vehicle.

i. Vehicle Inspection

- i. Subsequent to the grant of the initial license, but prior to operation, the licensed vehicle(s) shall be inspected at the direction of the Police Department to ensure full compliance with state safety standards. Nothing herein shall relieve a licensee of its responsibility to ensure the safety of the vehicle(s) and compliance with applicable laws and regulations.
- j. Notification as to Vehicle
 - i. Upon issuance of a license the license holder, prior to the operation of the taxicab, shall provide the following information to the Board of Selectmen.
 - 1. The make, model, vehicle identification number, the age and mileage of the vehicle
 - 2. A copy of the vehicle's certificate of registration with the Registrar of Motor Vehicles
 - 3. A copy of the Certificate of Insurance coverage page for the vehicle
- k. Renewal Application, Replacement of Vehicles, and Inspection
 - i. Renewal application shall be submitted no later than December 1st of each year; the renewal fee shall be one hundred dollars (\$100) for the taxicab business including one vehicle and fifty dollars (\$50) per additional vehicle.
 - ii. If a vehicle is changed within a license year, the license fee for the replacement vehicle shall be twenty-five dollars (\$25)
 - iii. Prior to the granting of a renewal license by the Board or the replacement of a vehicle, the vehicle shall be inspected at the direction of the Police Department to ensure full compliance with these regulations. A vehicle which has not passed inspection shall not be granted a renewal license.
- l. Suspension or Revocation
 - i. The Board of Selectmen may suspend or revoke a license issued under the provision of this article for good cause. Before suspension or revocation of a license, the licensee shall be entitled to a hearing thereon before the Board of Selectmen. Written notice of the hearing shall be forwarded to the licensee at least seven (7) calendar days prior to the date of the hearing. Such notification shall state the grounds of the complaint and the date, time, and place of the hearing. The Town Manager, Board of Selectmen, or Chief of Police may temporarily suspend a license without a hearing for a period of no more than ten (10) days or until a hearing is held, whichever is sooner, if there is sufficient evidence to indicate that the public safety would be endangered by the further operation of the taxicab business.
- m. Assignment or Transfer of License Prohibited
 - i. No license issued pursuant to this by-law shall be assigned or transferred.
- n. Return of License to Police Department if Lost or Destroyed
 - i. Upon suspension and revocation of a license it shall be returned promptly to the Police Department or the cessation of use of the vehicle(s) for hire.
 - ii. If a license is lost or destroyed, the licensee shall immediately report such loss to the Police Department who shall replace said license for a fee of five dollars \$5.00.

3. Permit to Operate Taxi Cab:

- a. Permit required: No person shall operate a vehicle, and no licensee shall employ or allow a person to operate a vehicle, unless the operator first obtains a permit from the Board of Selectmen.
- b. Age/Experience: No permit shall be issued to a person under the age of twenty-one (21), nor to any person who has not had a valid operators license for two (2) years prior to application.
- c. Application: Application for a permit shall be made, in writing, to the Board of Selectmen and shall provide the following information:
 - i. Full name and address of applicant
 - ii. Copy of valid operators license issued by the Massachusetts Registrar of Motor Vehicles
 - iii. All previous experience (if applicable) operating a vehicle for hire
 - iv. Convictions or guilty pleas to a criminal offense (except as outlined below). If applicable the applicant must state the offense(s), court(s) where convicted or the guilty plea occurred and when the conviction(s) or plea(s) occurred. The following information is not and shall not be requested, examined or considered:
 - 1. Arrests, detentions or dispositions in which no conviction or guilty plea resulted;
 - 2. Convictions which have been reversed or vacated but not pardoned;
 - 3. Misdemeanor convictions or guilty pleas when the date of conviction or plea was more than ten (10) years prior to the date of the application for the permit
 - 4. Traffic violations for which there was a finding of responsibility more than two (2) years prior to the date of the application for the permit or for such period of time as the Board of Selectmen shall request.
 - Failure to give accurate and complete information as required above may be grounds for denial, suspension, or revocation of a permit.
- d. Review by Chief of Police
 - i. No permit shall be issued by the Board of Selectmen until the application has been reviewed by the Chief of Police or his/her designee. Thirty (30) calendar days will be allowed for said review.
- e. Issuance or Denial of Permit
 - i. An application shall be granted only if the Board of Selectmen determines that granting a permit to the applicant is in the best interest of the public. Criminal convictions or pleas of guilt shall not result in an automatic denial of an application, but shall be given significant weight in the consideration of permit approval by the Board of Selectmen, taking into account all factors including the nature and gravity of the offense, the time that has passed since the conviction or plea and the sensitive nature of serving the public as a driver of a vehicle for hire. In addition, the Board may decide to grant a permit on a temporary basis for good reason, not to exceed six (6) months.
- f. Term and fee

- i. Term: Any permit hereunder shall expire on December 31st next ensuring unless sooner revoked or surrendered. A permit holder who ceases to operate vehicles shall surrender his permit to the Board of Selectmen
 - ii. Fee: The annual fee for a permit shall be one hundred dollars (\$100); the fee for a renewal permit shall be one hundred dollars (\$100). In connection with the issuance of a temporary permit the Board may elect to reduce the annual fee.
- g. Picture Identification Card
 - i. A picture identification card shall be issued by the Board of Selectmen or its designee, to each permit holder.
- h. Proper Paperwork
 - i. Each permit holder shall have on his/her person, a valid Massachusetts Operators License, Picture Identification Card, and Permit to operate a taxicab from the Board of Selectmen whenever operating a taxicab within the Town of Danvers.
- i. Liability
 - i. A permit holder is at all times responsible for the vehicle he/she is operating and shall be liable for all penalties and or damage resulting from his/her operation of the vehicle. Nothing herein shall eliminate or reduce the responsibility of liability of the permit holder pursuant to the applicable provisions of these regulations or law.
- j. Suspension or Revocation
 - i. The Board of Selectmen may suspend or revoke a permit granted under the provision of this by-law for good cause. Before suspension or revocation of a permit, the permit holder shall be entitled to a hearing thereon before the Board of Selectmen.
 - ii. Notice of the hearing shall be in writing and forwarded to the permit holder at least seven (7) calendar days prior to the date of the hearing. Such notification shall state the grounds of complaint and the date, time and place of the hearing.
 - iii. The Board of Selectmen, the Town Manager or the Chief of Police (or by his/her designee) may temporarily suspend a permit until a hearing can be held in accordance with the procedures set out above if there is sufficient evidence to indicate that the public safety would be endangered by the continued operation of the permit holder. In no event shall a temporary suspension be for a period longer than ten (10) calendar days.
- k. Return of permit to Police Department if Lost or Destroyed
 - i. A permit shall be promptly returned to the Police Department by the permit holder upon suspension or revocation of the permit or the cessation of use of the permit.
 - ii. If a permit is lost or destroyed, the permit holder shall immediately report such loss to the Police Department who shall replace said permit. The cost for a replacement permit shall be five dollars (\$5.00).

4. Operation of Taxicab

a. Duty to Transport

- i. A permit holder shall not unreasonably refuse to transport a passenger, unless the person requesting service is drunk or disorderly.
- b. Sharing a Ride
 - i. No permit holder shall accept a passenger while the taxicab is occupied or engaged without the consent of the passenger(s) already in the taxicab. No person shall be subject to an increase in fare because of said refusal. Separate fares shall not be charged to members of the same party.
- c. Waybill
 - i. Each permit holder or its agent shall maintain a waybill form issued/approved by the Police Department. Said waybill must contain documentation of every trip and include the following information:
 1. Pick up and drop off locations
 2. Number of passengers
 3. Fare collected
 4. Any articles, if applicable, that are left in the taxicab
 5. Records must be kept for at least one year and made available for inspection by the Board of Selectmen or the Police Department upon request.
- d. Taxi Stands – Parking – Standing
 - i. The Board of Selectmen may assign a taxi stand or stands to one or more taxicabs. The Board of Selectmen may also designate specific areas, streets or ways where vehicles may not park or stand.
 - ii. No permit holder may drop a passenger off on any street or any place except for at the curb.
- e. Maintenance of Vehicles
 - i. Every vehicle shall be kept in good condition, suitable for occupancy and mechanically fit for the safety of passengers. The interior and exterior of the vehicle must be safe, clean, and sanitary at all times.
- f. Inspection
 - i. The Board of Selectmen, Town of Danvers Police Department (or its designee) shall have the right to inspect any vehicle for purposes of these regulations or as public safety requires.
 - ii. The licensee/permit holder shall provide full cooperation with respect to inspections.
 - iii. Police Officers shall have a right to make inquiries to licensees and permit holders regarding any aspect of its operation and the licensee and/or permit holder shall respond to any such inquiry in a reasonable and civil fashion.
- g. Smoking: Smoking in a taxicab is prohibited
- h. Suspicious Behavior
 - i. Every permit holder or licensee shall report to the police department any suspicious actions of a passenger(s) that he/she observes.
- i. Appearance/Behavior of the Operator
 - i. Every driver of a taxicab shall be suitably dressed (sleeved shirt), neat and clean in appearance. Each driver shall be respectful and courteous to all passengers.

- j. Display or License, Picture Identification Card and Rates of Fare: Every taxicab while on duty shall display the following cards so that they are secure, immobile and plainly visible to all passengers riding in the backseat of the taxicab:
 - i. License
 - ii. Permit holders picture identification card
 - iii. Fare Rates
 - iv. Such other information as the Board of Selectmen reasonably deems appropriate
 - k. Letter on Taxicabs
 - i. Pursuant to G.L. c. 40 sec. 22 every taxicab licensed shall have the name or the trade name of the owner and "serving Danvers" painted on both sides in letters not less than four inches high and one half inch wide. This regulation shall apply to any and all vehicles in a taxicab fleet.
 - l. Lost Articles
 - i. Every permit holder or licensee shall deliver any article left within the taxicab to the Police Department no later than 24 hours after finding said article. All articles not claimed by their rightful owner within one year's time shall be given to the permit holder or licensee in which they were left.
 - m. Copy of Regulations: Every taxicab while on duty shall have a copy of these regulations, which shall be shown to any passenger or Police Officer upon request. The permit holder shall be responsible for the implementation of this requirement.
5. Fares: The board of Selectmen may establish rates of fare for the conveyance of passengers and baggage, and may revise such when they so determine. The rate of fare shall be on file at the Office of the Town Clerk
- a. Receipt
 - i. A receipt shall be made available upon the request of any passenger.
 - ii. If there is a dispute regarding the fare, a receipt shall be issued containing the full name and permit number of the driver, the date and time of the giving of the receipt, the amount received, and the pick-up and drop-off location. The receipt shall also state the complaint and should be referred in writing to the Board of Selectmen.
 - b. Senior Citizen Discount
 - i. Fares for all persons sixty (60) years of age and older shall be discounted in accordance with a schedule approved by the Board of Selectmen. When discounted rates are offered, they must be offered to all senior citizens using a taxicab pursuant to the licensing established in this by-law. There shall be a sign displaying information informing the passengers of said discount.
 - c. No Fares in Excess of Established Rates
 - i. No taxicab permit holder shall demand or receive as a fare more than the fare established by the Board of Selectmen under the authority granted by these regulations.

- d. Rates for trips outside the Town of Danvers
 - i. Charges of taxicabs originating or ending outside the Town of Danvers shall be subject to mutual agreement between the permit holder and the passenger(s). The Board of Selectmen reserves the right to regulate the fares of such trips if it deems it to be in the public interest.

6. Penalties/Enforcement

- a. Each violation of this article shall be punished by a fine of \$100 for each day said violation occurs.
 - b. Any complaints against a permit holder and or owner of the taxicab business by the public or public officers may be brought before the Board of Selectmen.
 - c. The terms thereof may be enforced by any police officer of the Town, either through conventional procedures of the District Court or by non-criminal disposition pursuant to Chapter XXVII of these by-laws.
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A Public Hearing was held in accordance with Town of Danvers By-laws [Chapter XXVI] "Licensure of Taxicabs, Permit to Operate Taxicabs, Operation, Fares, Penalties & Enforcement" to establish taxi rates in the Town of Danvers. Police Chief Neil Ouellette addressed the Board relative to the establishment of taxi cab rates in conjunction with the recently enacted Taxi Cab By-law. Various questions were asked by members of the Board. On a motion duly made by Selectman Powers and seconded by Selectman Bennett the Board voted unanimously to close the public hearing. Then on a motion duly made by Selectman Bennett and seconded by Selectman Powers the Board voted unanimously on the rates, as follows:

- \$4.00 1st mile/fraction
- \$.25 each additional ¼ mile
- \$20.00/hr \$5.00/15 minutes waiting time/hour
- \$.50 additional person over 2 people
- 20% senior citizen discount
- No charge for minor children under the age of 18 riding with an adult

The above rates to be in place by January 1, 2009, the actual effective date would be January 31, 2009.