

IN THE YEAR TWO THOUSAND AND FOURTEEN

**AN ORDINANCE REGULATING THE LICENSURE OF TAXICABS IN THE CITY OF EVERETT  
/s/Councilor Fred Capone**

Whereas, the City Council is the permitting authority for the licensure of taxicabs in the City of Everett, and

Whereas, present changes in population allow for additional licenses to be issued, and

Whereas, the lack of competition in this industry in the City of Everett may be a subject of concern, and

Whereas, the present rules and ordinances governing this license lack specificity and structure,

Therefore, Be it Ordained by the City Council of the City of Everett and by the authority of the same as follows, to wit-

**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.

Section 1.

a. **Definitions:** The following definitions shall apply to this section of the City Council's Rules unless a contrary meaning is plainly intended or required by law.

1. **Taxicab:** A car or similar conveyance which, together with the driver, offered for hire to transport one or more persons in Everett, or between a point in Everett and any point outside the City, there is an exception for common carriers, livery services, vehicles used in connection with funerals, and government operated transportation entities.
2. **Taxicab Businesses:** A business in any form, whether sole proprietorship, partnership, corporation or trust, which engages in the business of operating taxicabs in the City of Everett.
3. **Taxicab Driver:** One who actually drives, controls, or operates a taxicab in the City of Everett, accepting persons who are duly and properly licensed to operate a taxi in an another community and whose only operation in Everett is the passing through or completion of a trip which originates in another community.
4. **Party:** A party shall be considered any number of individuals with the same origin and destination.

b. **Licensure of Taxicabs/Taxicab Business:**

1. **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 City

Council. Each vehicle shall require a separate Taxi license plate and be registered as a taxicab with the Commonwealth of Massachusetts.

2. Application: Each applicant for licensure of a taxicab business shall submit an application on a form approved by the City Council 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 designee). The application shall include the following information:

- (a) The intended place of business within the City of Everett
- (b) The name of the manager or principal representative
- (c) Proposed hours of operation
- (d) Telephone number where the licensee may be contacted in the evening
- (e) Description of the proposed vehicle(s) including the make, model, mileage, and age of the vehicle(s)

3. Review by Chief of Police

Upon receipt of all applications for taxicab licensure the City Council 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 comments and/or recommendation, if any, to the City Council 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.

4. Insurance

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. A copy of the certificate shall be delivered to the City Clerk. The City shall be listed as a Certificate Holder with the Certificate provided to the City Council 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.

5. Liability

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

6. Grant or Denial of License

The City Council may upon receipt of an application, issue a license under such terms and conditions as they deem appropriate to promote the public interest. The Council, in determining whether to 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 Council may decide to grant a license on a temporary basis for good reason, not to exceed six (6) months.

7. Miscellaneous:

- (a) Storage: No taxicab license shall be issued to any vehicle that is not stored and garaged on private property.

- (b) Telephone: At all times the company shall maintain a business telephone number in the City of Everett.
- (c) The owner or one member of the firm or corporation shall also, at all times, carry a valid City of Everett Taxicab Driver's Permit

8. Limit, Term and Fee

- (a) Limit: The city council shall not issue more than one license for the operation of taxi, per two thousand or part thereof recorded persons living in the city as of its last federal census.

*Present Language: The city council shall not issue more than a total of eighteen (18) licenses for the combined operation of taxi, livery or other motor vehicles for hire for the transportation of people per two thousand recorded persons living in the city as of its last municipal census.*

- (b) Term: Any license shall expire on May 31<sup>st</sup> 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 City Council.
- (c) Fee: The annual fee for each license issued shall be three hundred and fifty dollars (\$350) for the Taxicab business including one vehicle and one hundred and fifty dollars (\$150) per additional vehicle.

9. Vehicle Inspection

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.

10. Meter Inspection

Each Taxi Meter must have a current seal on the meter from the Inspection Services Department, Division of Weights and Measures.

11. Notification as to Vehicle

- (a) Upon issuance of a license the license holder, prior to the operation of the taxicab, shall provide the following information to the City Council.
  - 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

12. Renewal Application, Replacement of Vehicles, and Inspection

- (a) Renewal application shall be submitted no later than May 1<sup>st</sup> of each year; the renewal fee shall be three hundred and fifty dollars (\$350) for the taxicab business including one vehicle and one hundred and fifty dollars (\$150) per additional vehicle.

- (b) If a vehicle is changed within a license year, the license fee for the replacement vehicle shall be fifty dollars (\$50)
- (c) Prior to the granting of a renewal license by the Council 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.

13. Suspension or Revocation

- (a) The City Council 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 City Council. 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 City Council, 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.

14. Assignment or Transfer of License Prohibited

- (a) No license issued pursuant to this by-law shall be sold, assigned or transferred.

15. Return of License to Police Department if Lost or Destroyed

- (a) 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.
- (b) 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 \$10.00.

c. **Permit to Operate Taxi Cab:**

1. 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 City Council or their designee.
2. 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.
3. Application: Application for a permit shall be made, in writing, to the City Council and shall provide the following information:
  - (a) Full name and address of applicant
  - (b) Copy of valid operators license issued by the Massachusetts Registrar of Motor Vehicles
  - (c) All previous experience (if applicable) operating a vehicle for hire
  - (d) 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 City Council shall request.
  - Failure to give accurate and complete information as required above may be grounds for denial, suspension, or revocation of a permit.

**4. Review by Chief of Police**

- (a) No permit shall be issued by the City Council until the application has been reviewed by the Chief of Police or his designee. Thirty (30) calendar days will be allowed for said review.

**5. Issuance or Denial of Permit**

- (a) An application shall be granted only if the City Council 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 City Council, 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 Council may decide to grant a permit on a temporary basis for good reason, not to exceed six (6) months.

**6. Term and fee**

- (a) Term: Any permit hereunder shall expire on May 31<sup>st</sup> next unless sooner revoked or surrendered. A permit holder who ceases to operate vehicles shall surrender his permit to the City Council
- (b) Fee: The annual fee for a permit shall be twenty-five dollars (\$25); the fee for a renewal permit shall be twenty-five dollars (\$25). In connection with the issuance of a temporary permit the Council may elect to reduce the annual fee.

**7. Picture Identification Card**

- (a) A picture identification card shall be issued by the City Council or its designee, to each permit holder.

**8. Proper Paperwork**

- (a) Each permit holder shall have on his person, a valid Massachusetts Operators License, Picture Identification Card, and Permit to operate a taxicab from the City Council whenever operating a taxicab within the City of Everett.

**9. Liability**

- (a) A permit holder is at all times responsible for the vehicle being operated and shall be liable for all penalties and or damage resulting from his 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.

**10. Suspension or Revocation**

- (a) The City Council 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 City Council.
  - (b) 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.
  - (c) The City Council or the Chief of Police (or by his 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.
11. Return of permit to Police Department if Lost or Destroyed
- (a) 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.
  - (b) 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 (\$10.00).

**d. Operation of Taxicab**

Duty to Transport

1. The driver of a taxicab shall not refuse transportation to any person except when:
  - A person is loud or disorderly.
  - The person represents a threat to the safety of the driver or to the driver's ability to drive the vehicle in a safe manner.
  - A person is unconscious and placed in the vehicle by others.
  - To do so would constitute assisting in a crime.
2. Sharing a Ride
  - (a) 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.
3. Waybill
  - (a) 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 City Council or the Police Department upon request.
4. Taxi Stands – Parking – Standing
  - (a) The City Council may assign a taxi stand or stands to one or more taxicabs. The City Council may also designate specific areas, streets or ways where vehicles may not park or stand.
  - (b) No permit holder may drop a passenger off on any street or any place except at the curb.
5. Maintenance of Vehicles
  - (a) 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.
6. Inspection
  - (a) The City Council, City of Everett Police Department (or its designee) shall have the right to inspect any vehicle for purposes of these regulations or as public safety requires.
  - (b) The licensee/permit holder shall provide full cooperation with respect to inspections.
  - (c) 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.
7. Smoking: Smoking in a taxicab is prohibited
8. Suspicious Behavior
  - (a) Every permit holder or licensee shall report to the police department any suspicious actions of a passenger(s) that is observed.
9. Appearance/Behavior of the Operator
  - (a) 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.
10. 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:
  - (a) License
  - (b) Permit holders picture identification card
  - (c) Fare Rates
  - (d) Such other information as the City Council reasonably deems appropriate
11. Letter on Taxicabs
  - (a) Pursuant to G.L. c. 40 sec. 22 every taxicab licensed shall have the name or the trade name of the owner and “serving Everett” 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.
12. Lost Articles
  - (a) 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 by whom they were left.

13. 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.
- e. Fares: The City Council 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 City Clerk
  1. Receipt
    - (a) A receipt shall be made available upon the request of any passenger.
    - (b) 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 City Council.
  - f. Trips Within the City of Everett
    - (a) The maximum rates to be charged for taxicab service within the City of Everett shall be as follows:
    - (b) There shall be a seven-dollar (\$7.00) flat rate fee for all trips that pick up and discharge within the boundaries of the City of Everett.
    - (c) For Everett trips with more than one (1) passenger, a one-dollar (\$1.00) surcharge is permitted to be charged to each additional passenger after the first passenger.
  - g. No Fares in Excess of Established Rates
    - (a) No taxicab permit holder shall demand or receive as a fare more than the fare established by the City Council under the authority granted by these regulations.
    2. Rates for trips outside the City of Everett
      - (a) Charges of taxicabs originating outside the City of Everett but ending in the City of Everett shall not be subject to these regulations.
  - h. Penalties/Enforcement
    1. Each violation of this article shall be punished by a fine of \$100 for each day said violation occurs.
    2. Any complaints against a permit holder and or owner of the taxicab business by the public or public officers may be brought before the City Council.
    3. The terms thereof may be enforced by any police officer of the City, either through conventional procedures of the District Court or by non-criminal disposition pursuant to the Revised Ordinances of the City of Everett.

Section 2: This ordinance shall take effect thirty (30) days after its final approval as adopted and advertised.