

IN THE YEAR TWO THOUSAND AND FOURTEEN  
/s/ Councilor Fred Capone

**AN ORDINANCE PROVIDING FOR THE LICENSING OF LIVERY**

**PREAMBLE**

Whereas, the number of business certificates issued to livery businesses has grown in the past four years, and

Whereas, there is now over seventy registered livery businesses in the City of Everett; and

Whereas, traditionally the City of Everett has not separately licensed said businesses; and

Whereas, our present ordinances require the licensing of livery services;

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

**TITLE: LIVERY LICENSING**

**SECTION 1. Definitions**

**City** – The City of Everett

**Place of Business** – An office, waiting room or garage from which the business of a livery service is conducted. A garage used solely for the storage or maintenance of livery vehicles which are not regularly operated in the City of Everett shall not be considered a place of business.

**Public Place** – Public property or private property to which the public has lawful access.

**Livery Vehicle** – A passenger car, station wagon, van or limousine used for transporting persons and items in their possession for compensation. Livery vehicles need not be marked on its exterior with the livery company name or number. Such vehicle does not operate on a fixed route and is hired by means of a telephone request or contract arranged in advance of the time transportation is needed. The minimum charge for all limousine or livery service in the City of Everett shall be thirty-five (\$35.00) dollars for all passenger fares. Eight (8) hours advance notice is required on all reservations. Vehicles used solely in connection with transportation for funerals shall not be considered livery vehicles and shall not be subject to the provisions of this Ordinance.

**Permit Authority** – Everett City Council

**SECTION 2. LIVERY LICENSE REQUIREMENTS**

- (1) A livery service shall be subject to the provisions of this ordinance if;

- (a) it maintains a place of business within the City of Everett; and
  - (b) it advertises, in any format or medium that it provides livery service within the City of Everett.
- (2) No person or business entity shall within the City of Everett, engage in any conduct, which would constitute the business of a livery service without a Livery Service License issued by the Everett City Council. The Livery company is responsible for conduct and actions of the drivers while operating the vehicles owned by the company.
- (3) No vehicle shall be utilized by a livery service unless such vehicle:
- (a) Is properly registered under Massachusetts law;
  - (b) Is properly insured or bonded under Massachusetts law;
  - (c) Has a valid Massachusetts vehicle inspection sticker;
  - (d) Has been issued by the Everett City Council,
  - (e) Development, and displays a livery vehicle permit.

### **SECTION 3. LIVERY SERVICE LICENSE**

- (1) Application process – Each applicant for a livery service license shall make application to the City Clerks Office. Such application form shall contain the applications identifying information; the proposed location(s) to be used in the operation of the service, including place of garaging; the number and type of vehicles the applicant intends to utilize in the service; a written description of the services to be provided under the license. Each applicant must execute a statement, in writing and under the pains and penalties of perjury that the applicant owes no back taxes to the Commonwealth of Massachusetts or the City of Everett.
- (2) Each application must be accompanied by:
- (a) An application fee of \$200.00, check made payable to the City of Everett.
  - (b) A yearly renewal fee of \$ 120.00 for two (2) vehicles. Each additional vehicle shall cost an additional fifty (\$50.00) dollars.
  - (c) CORI Request form,
  - (d) Copy of current insurance policy,
  - (e) Copy of current registration for vehicles.

### **SECTION 4. AUTHORITY OF PERMIT GRANTING AUTHORITY**

- (1) The City Council may, within its discretion, deny, grant, amend or modify a livery service license.
- (2) If granted, such license shall be subject to such conditions or restrictions as may be imposed by the City Council.
- (3) The City Council may, for cause and after public hearing, amend or revoke any license that has been granted.

### **SECTION 5. LICENSE**

- (1) A license granted by the City Council shall be issued by the City Clerk. Such license shall specify:
  - (a) the name of the service,
  - (b) effective date of the license,
  - (c) expiration date of the license and
  - (d) the conditions or restrictions as imposed by the City Council,
    1. including the place or places of business,
    2. place of garaging,
    3. days and hours of service,
    4. manner by which fares are to be determined,
    5. amount and types of vehicles that may be utilized by the service; and
    6. any other specific condition.
- (2) All licenses shall expire at the close of December 31 of the year of issuance.
- (3) There shall be no pro-rating of application/license fees.
- (4) A license shall be non-transferable.
- (5) A license holder may apply to the City Council for a modification or amendment of an existing license. Such application shall be submitted upon standard application form and must be accompanied by an application fee of One Hundred (\$100.00) Dollars;
- (6) Limousine or livery service must be a separate corporation and/or business from any other business(es) or taxicab service(s). Business(es) must maintain a separation of staff and separate telephone lines from all radio taxicab services, and all limousine and livery operators must be separate from taxicab operators.

#### **SECTION 6. MANDATORY REPORTS AUTOMATIC SUSPENSION OF LICENSE**

- (1) The holder of a license to operate a livery service must, within twenty-four (24) hours of its occurrence, report, on behalf of his or her livery service, the following to the office of the City Clerk:
  - (a) The suspension or revocation of a motor vehicle registration certificate for any vehicle utilized by the service;
  - (b) The cancellation of the service's motor vehicle liability insurance policy or bond;
  - (c) Suspension or revocation of the permit holder's Massachusetts Motor Vehicle Operator's License, or the suspension or revocation of the permit holder's license or right to operate in any other state.

#### **SECTION 7. SUSPENSION OF REVOCATION OF LICENSE**

- (1) A license to operate or manage a livery service may be suspended or revoked after notice to the holder of such permit and a hearing before the Committee on Business and Community Development. Suspension or revocation is authorized if, after said hearing before the Committee and based on the findings of the Committee, the City Council determines, according to the standard of a preponderance of the evidence the license holder:

- (a) Has knowingly made a false or inaccurate statement on any record or application required by any of the provisions of this Ordinance;
- (b) Is, in any jurisdiction, convicted or subject to a finding of sufficient facts for a finding of guilty in regard to any felony offense;
- (c) Is, in any jurisdiction, convicted or subject to a finding of guilty in regard to any misdemeanor offense involving: assault; assault & battery; threatening; larceny, fraud; prostitution; gaming; illegal sale or distribution of an alcoholic beverage; or a statute or regulation relative to livery services;
- (d) Has knowingly permitted the operation of a livery vehicle by a person who is not the holder of a valid license to operate a livery vehicle;
- (e) Has permitted a vehicle, without a Livery Vehicle license, to be utilized for the transportation of passengers of a livery service;
- (f) Has knowingly permitted any livery vehicle to be used in the commission or furtherance of any criminal conduct;
- (g) Has refused to permit any inspection authorized or required by the provisions of this Ordinance;
- (h) Has failed to prepare, maintain or file any report, record or notice required by the provisions of this Ordinance;
- (i) Has engaged in or permitted any conduct that is prohibited by the provisions of this Ordinance.

**SECTION 8. NOTICE OF SUSPENSION OR REVOCATION** – Upon the suspension or revocation or a license to operate or manage a livery service, the Permit Authority shall give written notice of such suspension or revocation, and the reason therefore, to the livery service by which the suspended or revoked person is employed

**SECTION 9. INSPECTION OF RECORDS**

- (1) During regular business hours, the holder of the permit to operate and manage a livery service and/or the operator of a vehicle, shall make available, upon demand of a police officer or member of the City Council, all records required to be kept by a livery service. These records must be retained for a period of two years and will include:
  - (a) Registry of Motor Vehicle driver records,
  - (b) record of accidents,
  - (c) daily driver logs.

**SECTION 10. FARES** – Upon request, fares and/or rates shall be made available at the office of each licensed premises.

**SECTION 11. DISPLAY OF NOTICE TO PASSENGERS** – Each livery vehicle, on a form to be provided by the Permit Authority and in such manner as to be visible to all passengers, the following notice: *THIS VEHICLE IS OWNED BY: (Name, Address and Phone Number of Taxi or Livery Service)*

**SECTION 12. NOTICE AND ACKNOWLEDGEMENT OF ORDINANCE** – The City Council shall provide each applicant for a license or permit with a copy of this Regulation. Each applicant must acknowledge, in writing, the receipt of same.

**SECTION 13. INSPECTION** – Inspections of each vehicle will be conducted in June of each year, along with taxicab inspections. All vehicles will be inspected for all safety items, proper registrations, permits, and licenses. The cost of inspection shall be paid by the limousine or livery service.

**SECTION 14. PERMIT TO OPERATE A LIVERY VEHICLE (DRIVERS)**

- (1) **APPLICATION PROCESS** – Each application for a permit to operate a livery vehicle shall be accompanied by:
  - (a) an Application/Permit non-refundable fee of \$10.00;
  - (b) a clear photocopy of the applicants current active driver's license,
  - (c) a signed CORI request form, and
  - (d) a signed statement, by the holder of a license to operate a livery service, of intent to hire the applicant.
- (2) **BACKGROUND CHECK** – Upon receipt of an application, a background check, CORI shall be conducted of the applicant to determine if the applicant is subject to any of the conditions requiring a denial of the permit.
- (3) **PERMIT TO OPERATE A LIVERY VEHICLE**
  - (a) No person shall operate a livery vehicle without a valid Massachusetts Motor Vehicle Operator's License and a permit to operate a livery vehicle issued by the City Council.
  - (b) The livery company is responsible for conducting periodic inspections of the driver's Massachusetts Motor Vehicle Operator's License and a permit to operate a livery vehicle and to insure that drivers have their Massachusetts Motor Vehicle Operator's License and a permit to operate a livery vehicle in their possession while driving a livery.
  - (c) The holder of a permit to operate a livery vehicle must, within twenty four (24) hours of its occurrence, report the following to the City Clerk's Office and, at the same time, surrender his or her permit:
    1. Involvement in any motor vehicle accident; whether on or off duty, which resulted in death, bodily injury or significant property damage;
    2. Being arrested, cited or charged with operating under the influence of liquor or drugs, motor vehicle homicide; operating in a race or operating in a negligent or reckless manner; any crime against a person; or, any felony offense;
    3. Suspension or revocation of the permit holder's Massachusetts Motor Vehicle Operator's License, or the suspension or revocation of the permit holder's license or right to operate a motor vehicle in any other state.
- (4) **DENIAL OF PERMIT** – The City Council may not issue a Permit if the applicant:

(a) Is deemed, after an investigation of all facts, including but not limited to the applicant's criminal history, motor vehicle driving history and/or character to be an unsuitable person to possess such a license.

(5) **ISSUANCE AND DISPLAY OF PERMIT** – An Applicant, who is not subject to any of the conditions requiring a denial of a permit, shall be issued such permit. Such permit must be displayed, in a place visible to any passenger, in a livery vehicle operated by the permit holder.

(6) **DURATION AND VALIDITY OF PERMIT** – A permit to operate a livery vehicle shall be valid for one (1) years from date of issuance. Such permit may be used to operate a livery service licensed under the provisions of the Ordinance.

**(7) SUSPENSION OR REVOCATION OF PERMIT**

(a) A Permit to operate a livery vehicle may be suspended or revoked after notice to the holder of such permit and a hearing before the City Council.

(b) Suspension or revocation is authorized if the City Council determines, according to a standard of the evidence, that the permit holder is deemed, after an investigation of all facts, including but not limited to the applicant's criminal history, motor vehicle driving history and/or character to be an unsuitable person to possess such a license.

**(8) NOTICE OF SUSPENSION OR REVOCATION OF PERMIT**

Upon the suspension or revocation of a permit to operate a livery vehicle, the City Council shall give written notice of such suspension or revocation, with the reason therefore, to the holder of the permit to operate or manage a livery service by which the suspended or revoked person is employed

(9) **INSPECTION OF LICENSE AND/OR PERMIT** – The holder of a permit to operate a livery vehicle shall make available, upon demand of any police officer or member of the City Council, their Massachusetts Driver's License and their livery permit. Both of these items are required to be on the person while operating a livery vehicle. The operator of a livery vehicle must permit such officer or member to inspect the vehicle to determine its compliance with the provisions of this Ordinance.

**SECTION 15. GENERAL PROVISIONS**

(1) **NOTIFICATION OF CHANGE OF ADDRESS** – A license holder must give notice of any change of address, by certified mail, written notice of any such change to the City Clerk's Office.

(2) This ordinance shall not apply to any non-profit corporation, charitable corporation or any governmental organization.

**SECTION 16.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 17. This ordinance shall take effect thirty (30) days after its final approval as adopted and advertised.