

Joint Meeting of the Planning Board and Committee on Legislative Matters and the Northampton City Council

Members:

Councilor , William H. Dwight, Chair

Councilor Alisa F. Klein, Vice Chair

Councilor Maureen T. Carney

Councilor David A. Murphy

MEETING AGENDA

Date: April 9, 2018

Time: 5:30 p.m.

**Location: City Council Chambers
212 Main St., Northampton, Massachusetts**

- 1. Meeting Called to Order and Roll Call**
- 2. Public Comment**
- 3. Approval of Minutes of Previous Meeting**

A. March 12, 2018 Meeting Minutes

Documents:

[03-12-18_Committee_on_Legislative_Matters.pdf](#)

4. Public hearing on proposed zoning changes

Public Hearing Notice published March 26, 2018 and April 2, 2018 per M.G.L.
Chapter 40A, Section 5.

Documents:

[Public Hearing Notice for 04-09-18 LM Meeting.pdf](#)

**A. 18.063 Ordinance to Rezone Parcels on Easthampton Road to Office Industrial
(OI) - referred by City Council 3/15/2018**

Documents:

[18.063 Ordinance to Rezone Parcels on Easthampton Road to Office Industrial \(OI\).pdf](#)

B. 18.064 Ordinance to Eliminate Business Park Zoning in its Entirety from the Code - referred by City Council 3/15/2018

Documents:

[18.064 Ordinance to Eliminate Business Park Zoning in its Entirety from the Code.pdf](#)

C. 18.065 Ordinance to Rezone Conservation Areas to Farms Forest Rivers - referred by City Council 3/15/2018

Documents:

[18.065 Ordinance to Rezone Conservation Areas to Farms Forest Rivers.pdf](#)

D. 18.066 Ordinance to Rezone a Portion of Property from URB to Office Industrial - referred by City Council 3/15/2018

Documents:

[18.066 Ordinance to Rezone a Portion of Property on Federal Street from URB to Office Industrial.pdf](#)

E. 18.067 Ordinance to Rezone Four Residential Properties on Riverside Drive from General Industrial to URB - referred by City Council 3/15/2018

Documents:

[18.067 Ordinance to Rezone Four Residential Properties on Riverside Drive from General Industrial to URB.pdf](#)

F. 18.068 Ordinance to Eliminate Newspaper Legal Notice Requirement for Site Plan Review Projects - referred by City Council 3/15/2018

Documents:

[18.068 Ordinance to Eliminate Newspaper Legal Notice Requirement for Site Plan Review Projects.pdf](#)

G. 18.069 Ordinance to Eliminate Newspaper Legal Notice Requirement for Projects that Need Central Business Architecture Review - referred by City Council 3/15/2018

Documents:

[18.069 Ordinance to Eliminate Newspaper Legal Notice Requirement for Projects that Need Central Business Architecture Review.pdf](#)

5. Items Referred to Committee

A. 17.265 An Ordinance Relative to Taxis and Vehicles for hire - referred back to LM, 3/15/2018

History:

- Returned to Committee (Legislative Matters) - 9/21/2017
- Positive Recommendation, Legislative Matters - 2/27/2018
- Passed 1st reading, 3/1/2018
- Returned to Legislative Matters 3/15/2018 for determination on

liability insurance requirements

Documents:

[17.265 NPD Memo re Taxi Ordinance.pdf](#)

[17.265 Jeffrey Miller Letter re Insurance Requirements.pdf](#)

[17.265_Taxi_Vehicle_For_Hire_Amended_1-2018.pdf](#)

6. New Business

7. Adjourn

*Contact B. Dwight at
bdwight@comcast.net*



Committee on Legislative Matters and the Northampton City Council

Members

Councilor William H. Dwight, Chair

Councilor Maureen Carney

Councilor Alisa F. Klein

Councilor David A. Murphy

MEETING MINUTES

Date: March 12, 2018, Time: 5 p.m.

Location: City Council Chambers, 212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call:** At 5 p.m., Councilor William H. Dwight called the meeting to order. On a roll call, the following councilors were present: Councilor Carney, Councilor Dwight and Councilor Klein. **Absent:** Councilor Murphy. Also present were Council President Ryan R. O'Donnell and Director of the Office of Planning and Sustainability Wayne Feiden.

Councilor Dwight announced that the meeting was being audio and video recorded for broadcast by Northampton Community Television.

2. **Public Comment:** No members of the public were present.
3. **Minutes of February 12, 2018 and February 27, 2018**

Councilor Carney moved to approve the minutes of February 12, 2018. Councilor Klein seconded. The motion passed unanimously 3:0.

Councilor Carney moved to approve the minutes of February 27, 2018. Councilor Klein seconded. The motion passed unanimously 3:0.

4. **Items Referred to Committee**
 - A. **18.043 An Ordinance related to bicycling on sidewalks, defining multi-use trails, and regulating bike lanes - referred by City Council 03/01/2018**

Councilor Dwight referred to the two versions of the ordinance included in the packet; one as referred by the city council and one as amended following review by the city solicitor. If the attorney's recommended changes are accepted, members should move to put the amended version on the floor for discussion, he suggested.

The ordinance received a positive recommendation from the Transportation and Parking Commission (TPC), Mr. Feiden advised.

The ordinance proposes three basic changes to the existing regulation, he related. Years ago, during Councilor Dwight's original tenure, public discussion resulted in the determination that bicycling is not allowed on sidewalks in the downtown district and in Florence. Planners are simplifying the text to use the terms Central Business District and General Business District rather than listing specific streets. More significantly, in places where the bicycle path coincides with the sidewalk, the ordinance is being clarified to specify that no bicycling is allowed "except on marked bicycle paths." He cited an area near the Peter Pan Bus Terminal and another area on Pleasant Street as places where a section of the bike path coincides with the sidewalk.

The second change is to amend the definition of low speed electric bicycles. Recently, City Council approved changing the code to allow low speed electric bicycles on the bike path but didn't define these well. The revised language improves the definition, he presented.

The final change is to allow the designation of a bike lane by the physical creation of a bike lane with pavement markings and signage rather than by having the City Council individually designate bike lanes on a case-by-case basis, Feiden continued. Along with this, planners are proposing to allow the Police Department and Mayor to allow parking in bike lanes for short-term special events.

Councilor Carney moved to put the revised version of the ordinance on the floor with a positive recommendation. Councilor Klein seconded.

Once upon a time, bicycles, skateboards and rollerblades were not allowed on sidewalks anywhere in the city, Councilor Dwight reminded. In fact, any wheeled conveyance, including strollers and baby carriages, were technically prohibited. Julie Spencer Robinson's middle school class took exception to that and actually called a number of city councilors to come address it in their class, he advised. Mass-Bike came out and supported them with a caveat about driveway approaches and the importance of a hierarchical system whereby pedestrians have the right-of-way. The city eventually created an ordinance that allowed bicycles and skateboards and wheeled conveyances on sidewalks with the exception of designated streets in downtown Florence and Northampton. Skateboarders had t-shirts with the names of disallowed areas where they couldn't ride bikes, he recalled.

Now the city is moving towards the ethos of establishing bike lanes where ever and whenever it can.

He expressed his awareness that some councilors had taken exception to the Mayor allowing parking in bike lanes without ticketing for some large events, thinking the Mayor was encroaching on their authority by ignoring the bike lane designation. To be perfectly honest, he disagreed. He thought it was a somewhat excessive territorial marking and that it was far more appropriate for the police to make a determination to allow parking in bike lanes on a case by case basis.

Councilor Carney asked if this applied to multi-use trails on King Street, etc., and Mr. Feiden said yes.

MassBike would no longer make a recommendation for bicycles on sidewalks anywhere because of the frequency of so-called "right hook" accidents where turning cars cross sidewalks, inadvertently hitting cyclists, Feiden asserted.

The Northampton Bicycle and Pedestrian Subcommittee informally considered the ordinance and also voted in favor of it, he reported. Councilor Dwight called the motion to a vote, and it passed unanimously 3:0.

Councilor Klein moved to adjourn. Councilor Carney seconded. The motion passed unanimously 3:0. The meeting was adjourned at 5:12 p.m.

Prepared By:

L. Krutzler, Administrative Assistant to the City Council

413.587.1210; lkutzler@northamptonma.gov

Planning & Sustainability • City of Northampton

planning | resiliency | conservation | place-making | sustainable transportation | zoning | GIS | historic | CB architecture | agriculture and food

Carolyn Misch, AICP, Senior Planner/Permit Manager • CMisch@NorthamptonMA.gov • 413-587-1287

Northampton Public Hearings Monday April 9, 2018

City Council Committee on Legislative Matters and Planning Board, Council Chambers, 212 Main St

5:30 PM Proposed Zoning Ordinance Amendments:

1. Rezone parcels on Easthampton Rd to Office Industrial Including:
 - a. Map: 44-138 from BP to Office Industrial
 - b. Map 44-31, 44-32, 51-9 from GI to Office Industrial
2. Eliminate Business Park zoning in its entirety from the code
3. Rezone the following to Farms Forest Rivers:
 - a. Portions of Map 44-21 that are not SC from Suburban Residential
 - b. Portion of Map 21-002 from SR
 - c. Portion of Map 6-65 from SR and portion from WSP
 - d. Portion of Map 18-44 from GI
Portions of 7-35, 10D-001, 13-51, 22-7, 34-2, that are not SC
 - e. 8-5, 41-78 from WSP and SR
 - f. 37-49 from BP/General Industrial.
 - g. 37-50 and 37-134 from Business Park
 - h. 29-484 from WSP
4. Rezone portion of Map 30B-088 and 30B-085 that contains 122 Federal St to Office Industrial.
5. Rezone portions of #648, 638, 634, & 620 Riverside Drive above FEMA Floodplain from GI to URB; rezone portions of #638, 634, & 620 that are within the FEMA 100 year floodplain from GI/FP overlay to Special Conservancy.
6. Eliminate newspaper legal notice requirements for projects that need site plan review by the Planning Board.
7. Eliminate the newspaper legal notice requirements for projects that need Central Business Architecture Committee review

Publish date: Mar 26 & Apr 2, 2018

Bill to: Office of Planning & Sustainability Account #: 71350



CITY OF NORTHAMPTON

MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor and Office of Planning and Sustainability

18.063 Ordinance to Rezone Parcels on Easthampton Road to Office Industrial (OI)

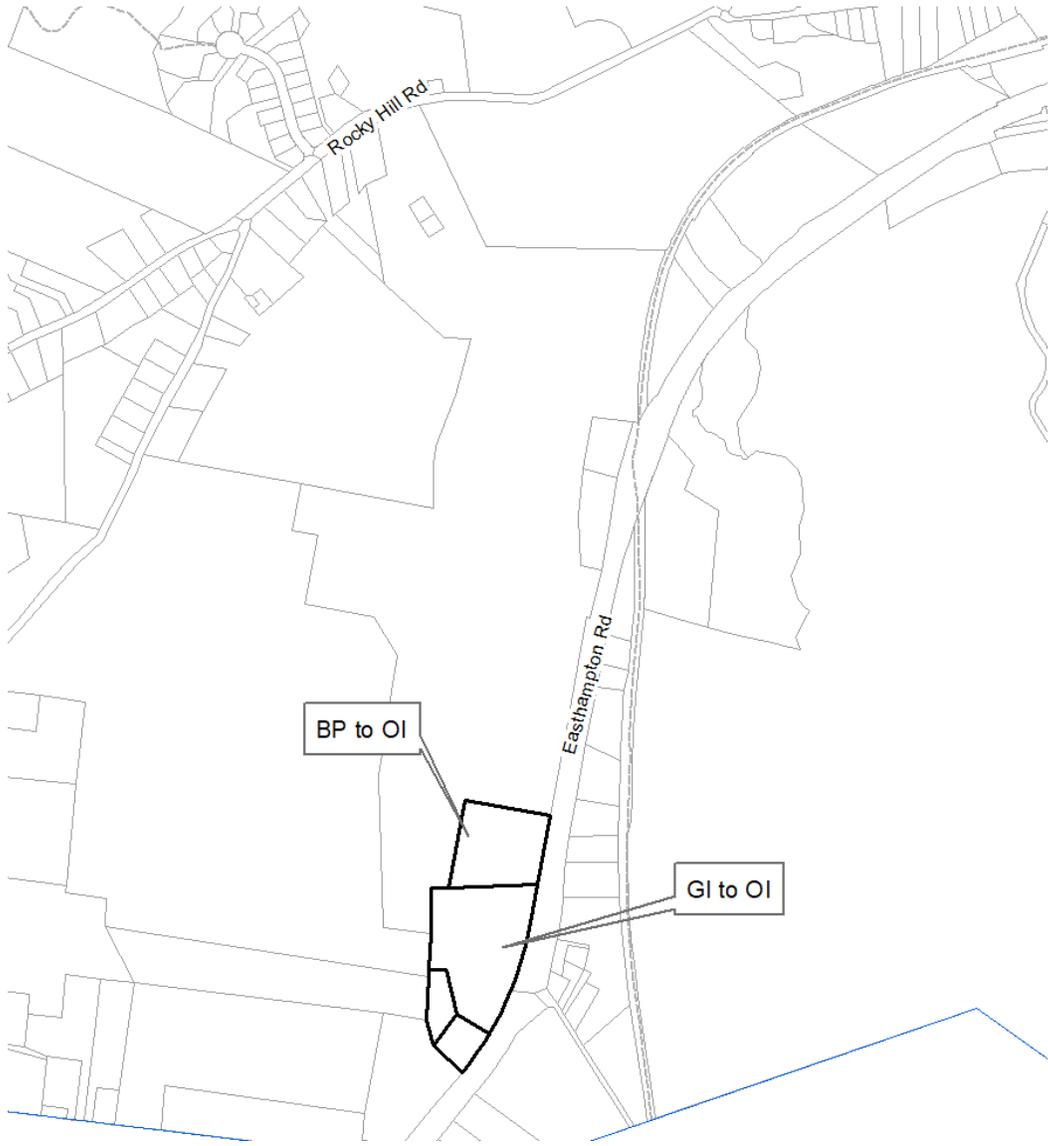
An Ordinance of the City of Northampton, Massachusetts, providing that Chapter 350 Code of Ordinances, City of Northampton, Massachusetts, be amended by modifying section 3.4 (map) of said code; to eliminate Business Park from the Zoning Map by rezoning those parcels to Office Industrial zone..

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Amend the Zoning Map as Shown:

1. Rezone Map: 44-138 from Business Park to Office Industrial
2. Rezone Map 44-31, 44-32, 51-9 from General Industrial to Office Industrial



CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor and Office of Planning and Sustainability

18.064 Ordinance to Eliminate Business Park Zoning in its Entirety from the Code

An Ordinance of the City of Northampton, Massachusetts, providing that Chapter 350 Code of Ordinances, City of Northampton, Massachusetts, be amended to eliminate the Business Park from the City ordinances.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, by modifying section 3.4 (map) and all other sections of said code; to eliminate the Business Park Zone from the zoning map and eliminate all references to uses and dimensions related to Business Park Zone.

Eliminate all references to Business Park including in §3.1, §3.4 (zoning map), §16 in its entirety, and all other references (§350- Attachment 2 & 3, 6.2, 7.5, 11.6.)

CITY OF NORTHAMPTON

MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor and Office of Planning and Sustainability

18.065 Ordinance to Rezone Conservation Areas to Farms Forest Rivers

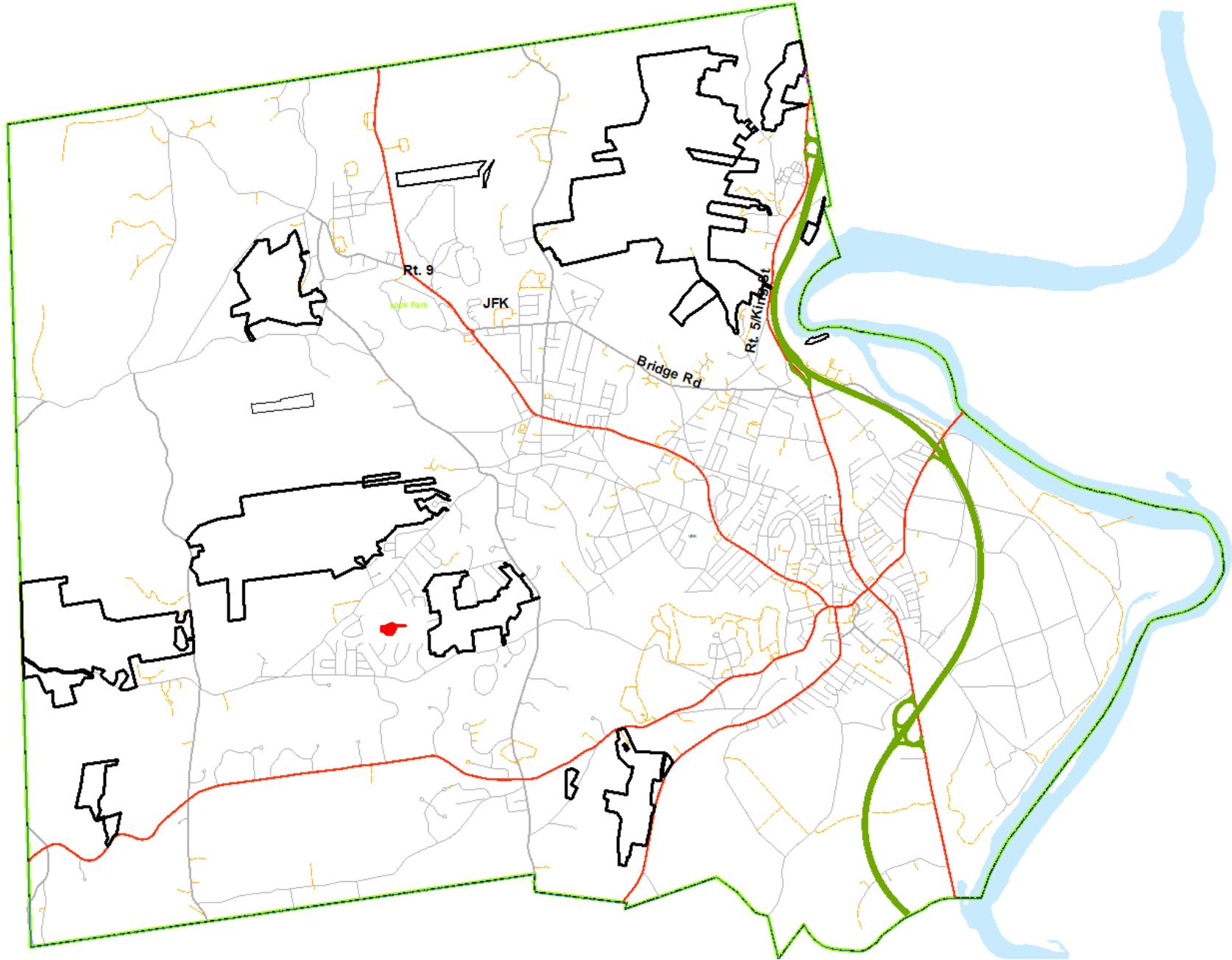
An Ordinance of the City of Northampton, Massachusetts, providing that Chapter 350 Code of Ordinances, City of Northampton, Massachusetts, be amended by modifying section 3.4 (map) of said code; to rezone city owned conservation areas to Farms Forest Rivers (FFR), consistent with other conservation parcels.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Amend the Zoning Map as Shown:

1. Rezone portions of Map 44-21 that are not Special Conservancy from Suburban Residential to FFR
2. Rezone portion of Map 21-002 from Suburban Residential to FFR
3. Rezone portion of Map 6-65 from Suburban Residential to FFR and portion from Water Supply Protection to FFR
4. Rezone portion of Map 18-44 from General Industrial to FFR
5. Rezone portions of 7-35, 10D-001, 13-51, 22-7 ,34-2, that are not Special Conservancy to FFR
6. Rezone all of 8-5, 41-78 from Water Supply Protection and Suburban Residential to FFR.
7. Rezone all of 37-49 from Business Park/General Industrial to FFR.
8. Rezone 37-50 and 37-134 from Business Park to FFR
9. Rezone 29-484 from WSP to FFR



CITY OF NORTHAMPTON

MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor and Office of Planning and Sustainability

18.067 Ordinance to Rezone Four Residential Properties on Riverside Drive from General Industrial to URB

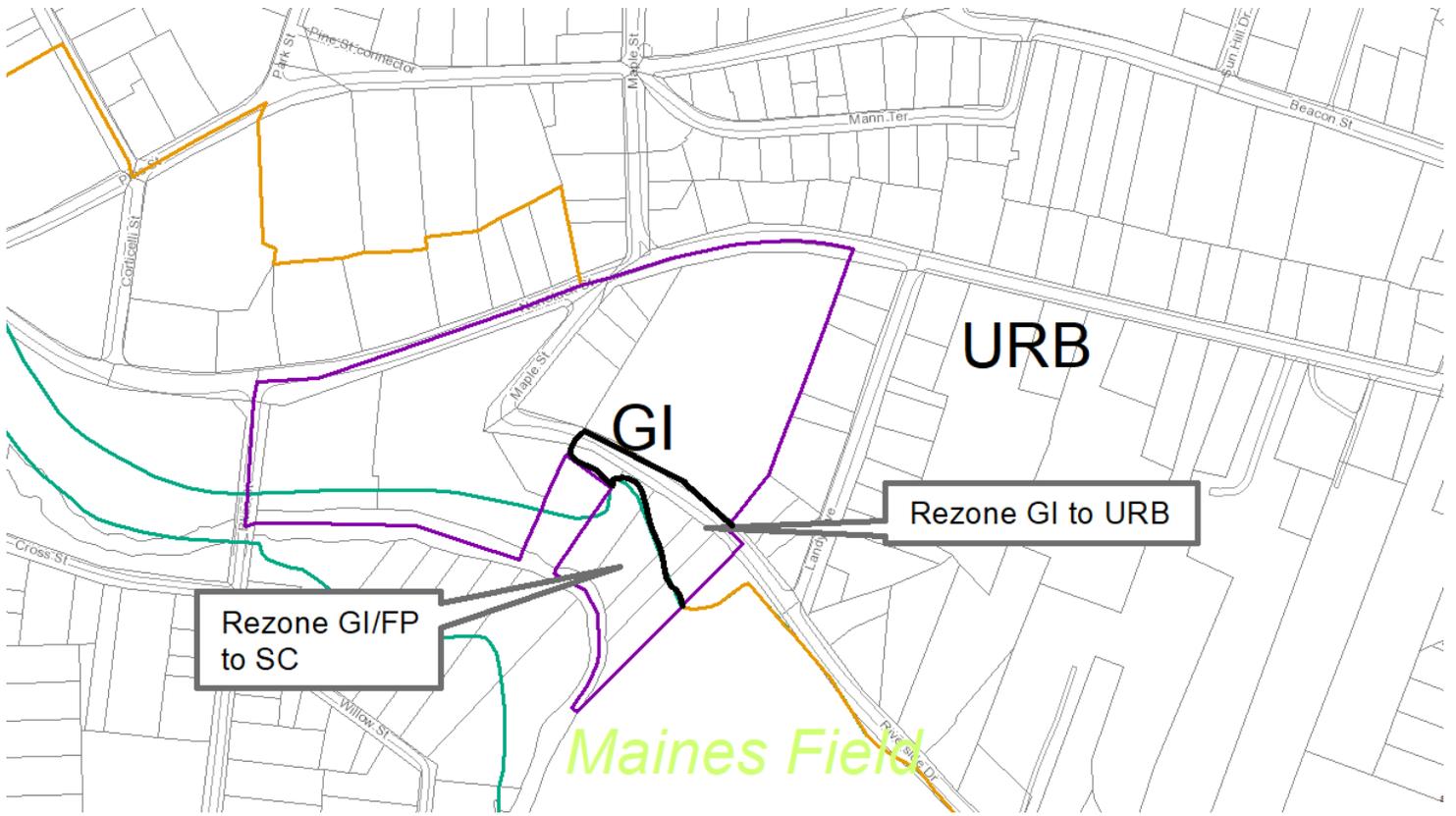
An Ordinance of the City of Northampton, Massachusetts, providing that Chapter 350 Code of Ordinances, City of Northampton, Massachusetts, be amended by modifying section 3.4 (map) of said code; to convert a portion of the property from General Industrial (GI) to Urban Residential B (URB) and GI/ Floodplain to Special Conservancy (SC) to reflect existing and long term planned uses.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Amend the Zoning Map as Shown:

Rezone the portion of GI that is above the FEMA mapped floodplain elevation to URB, includes portions of #648, 638, 634, & 620 Riverside Drive. Rezone the portions of #638, 634, & 620 that are within the FEMA mapped 100 year floodplain from GI/ FP overlay to Special Conservancy.



CITY OF NORTHAMPTON

MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor and Office of Planning & Sustainability

18.068 Ordinance to Eliminate Newspaper Legal Notice Requirement for Site Plan Review Projects

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended changing the notice requirements for Site Plan Review

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

350-11.4 Requirements.

These requirements are superimposed over any other requirements of this Zoning Ordinance. The Building Commissioner may not issue any building or zoning permits for any intermediate or major projects until the site plan has been approved by the Planning Board through a simple majority vote of the members present. The site plan process shall be conducted by the Planning Board. Legal notice posted in a newspaper of general circulation is not required. Otherwise all procedures for site plan shall be in the same as those ~~conformance with the notice, filing, review, and public hearing and recording~~ requirements

for a special permit; ~~Notwithstanding these filing except in requirements, in~~ the case of alternative energy research and development (R&D) and manufacturing facilities, as defined in the Green Communities Act.^{H1} ~~For alternative energy R&D and/or manufacturing,~~ review periods are guaranteed not to exceed one year from the date of initial application to the date of final Board action. Said applications shall be reviewed within 45 days, and the applicants will be notified of what additional submissions are necessary to meet this one-year final action deadline. The Planning Board shall use the criteria of § **350-11.6** for approving or disapproving the site plan. As with special permits, any appeal of a site plan decision by the Planning Board shall be made in accordance with MGL c. 40A, § 17. All site plan decisions must be recorded at the Registry of Deeds. In addition, the plans approved as part of the site plan decision shall be recorded with the decision in the form and type of pages as determined by the Planning Board.

CITY OF NORTHAMPTON

MASSACHUSETTS

In the Year Two Thousand and Eighteen

Upon the Recommendation of the Mayor and Office of Planning & Sustainability

18.069 Ordinance to Eliminate Newspaper Legal Notice Requirement for Projects that Need Central Business Architecture Review

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended changing the notice requirements for Central Business Architecture Review.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

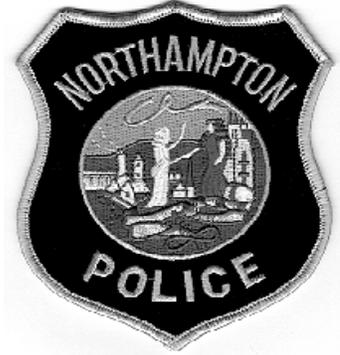
SECTION 1

§156-6 Central Business architecture permit process.

B.

Except for legal notice posted in a newspaper publication, which is not required, the Committee shall use the same public notice and time line requirements for permit applications as are required under the State Zoning Act (MGL c. 40A) for special permits and time lines for exercising permits as specified in Chapter **350**, Zoning, § **350-4.7**.

Northampton Police Department



Date: February 13, 2018

To: Members of the Legislative Matters
Committee

From: Chief J. Kasper

Re: Amended taxi ordinance

To the Members of the Legislative Matters Committee,

About a year ago I received a complaint from Jeffrey Miller, the owner of Cosmic Cab in Northampton. He was concerned that other local taxi companies were operating their cabs using livery license plates instead of taxi license plates. He felt that all marked taxicabs should be required to have taxi registration plates and that our police department should be requiring other companies to maintain taxi plates.

Upon review of the local ordinance it became clear that the language needed to be updated so that the difference between a livery vehicle and a taxi vehicle was clear to all. Officer Allard (our Traffic Officer) and I began the process by hosting a meeting where we invited local taxi company owners so that we could take their concerns into consideration before recommending any changes to the ordinance. Mr. Miller was the only person who attended. After that meeting we reviewed the ordinance and made recommended modifications to the definitions section and registration plate section using language from other ordinances and state laws. When this modified ordinance was reviewed the City Clerk determined that one section relating to the actions of her office did not match their current practice. Further revisions were made to address that matter. Also, Alan Seewald made recommendations to change the minimum insurance requirements for these types of vehicles.

We presented the modified ordinance and then heard input from John Frey. John expressed two primary concerns:

1. Allowing taxi operators to use metering software apps rather than traditional hard-wired meters allowed room for error. I believe he stated it could be as much as a +3%/-3% margin of error.
2. Requiring minimum and consistent fares for all riders would be a hardship for some cab companies and a segment of their customers. There are long term and consistent riders with agreed upon (and often reduced) fares who rely on taxis to get them to appointments, to go grocery shopping, or to get needed

medications. John was worried that the modified ordinance would prevent taxi companies from allowing these agreed upon reduced rates and would negatively impact this customer base.

After the public meeting when John expressed his concerns, I met with him individually and discussed them in further detail. We worked together to make the most recent modifications.

The original intent of adding meters was to ensure consistent fares that were visible to the riders. Knowing that the cost of hard-wired meters would be an added burden to taxi companies, the initial modified ordinance allowed metering methods that were not hard-wired (phone apps that are designed for this purpose). This is what is used by many alternative ride companies including Uber and Lyft. However, after hearing John's concerns and considering that we have never taken a complaint of any problems with fares, we removed the metering requirement from the most updated ordinance. Instead companies must clearly post fares and notify riders ahead of time of the cost of the ride. Written into the new ordinance is a section that allows meters if taxi owners want to add them. If they do make this choice, then the meters need to be hard-wired.

Further, the original intent of the established and visible fares was to ensure clear and consistent pricing for all customers. However, taking into consideration the population of riders with agreed upon and sometimes reduced fares as discussed above, that portion of the ordinance was modified to allow agreed upon fares that are established ahead of time.

Finally, we added a section about taxi companies that are permitted in other communities and who operate in Northampton. They can pick up OR drop off a fare in Northampton, but they cannot do both with the same customer. Also, they cannot pick up hailed fares in Northampton.

Please let me know if there are any further questions.

Respectfully,

Chief Kasper #160

March 14, 2018

Jeffrey Miller
Cosmic Cab Company
160 Main St. #8
Northampton, MA 01060

Councilor Ryan R. O'Donnell
210 Main St.
City Hall, 1st Floor Room 3
Northampton, MA 01060

Councilor O'Donnell,

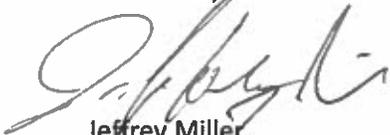
I am writing you to express my concern with the one of the proposed changes to ord. 17.265 relative to Taxis and vehicles for hire. Specifically, section 316-19 paragraph 2 regarding insurance. Currently we are required to carry 100,000/300,000. The proposed change would be to 250,00/500,000 making Northampton's Taxi insurance regulations the highest in the state.

If the proposed change is accepted by council we will be forced out of business. The overwhelming cost of such a policy is not economically feasible within our market. Our current 100/300 policy costs an average of \$6000 per unit. I have been informed by my insurance agent that a 250/500 policy would be upwards of \$10,000 per unit, if we could even find a carrier.

I have included some codes and ordinances from surrounding municipalities. As you will see they are very different in their approaches to this matter. Holyoke, Easthampton and Greenfield all have limits of 100/300. Amherst and Westfield don't even specify an amount only that insurance is required.

For the past 6 years we have happily served our community offering great service at a reasonable price. Please allow us to continue by reconsidering the proposed changes to these insurance regulations.

Thank You,



Jeffrey Miller
Owner
Cosmic Cab Company

Amherst

licensees must notify the Select Board of any change of address affecting the location of residence, or business. Any taxicab or driver found to be in service with an invalid address or a different taxi business from what is represented therein shall be fined in accordance with Section 6, Violations.

The Select Board may, in its discretion, establish a maximum number of taxi business and/or taxi driver(s) licenses to be issued and/or limit the number of taxi vehicles if it determines that there are a sufficient number of licenses being exercised to serve the public interest and public need. Such cap shall not in itself constitute grounds to revoke or deny renewal of a license already in use. The Select Board shall consult with the Police Department and may review licensing information from other Massachusetts communities and from taxi businesses licensed in the Town before adopting a license cap.

Section 3 Vehicles

All taxicabs affected by these rules shall be properly registered, inspected, and insured per requirements of the Commonwealth. This shall include all taxicabs having a "TAXI" registration number plate as required by the Massachusetts Registry of Motor Vehicles. The Licensing Authority may order a specific vehicle to be reinspected at any time with cause. A permit issued under these regulations shall not authorize the operation of a livery service. A livery service is regulated by the Massachusetts Registry of Motor Vehicles pursuant to 540 CMR 2.05.

The taxi business owner shall provide the Select Board with a certificate of insurance which will include a statement from the insurance company issuing the policy identifying the vehicles covered under the policy, including vehicle identification and registration numbers and indicating that the policy shall not be canceled without a minimum of five (5) days notice to the Select Board. No license shall be released without this information.

All taxicabs shall have the license placard placed in a prominent location in the taxicab, where it may easily be seen by the passenger. Additionally, a sticker displaying the Police Department's phone number for complaints and or concerns shall be positioned in plain view.

All taxicabs affected shall display a suitable identity light on the top of the vehicle; said identity light shall be illuminated at night and shall be visible from both the front and rear of the taxicab. The business name shall be indicated on both sides of the vehicle. The interior and exterior of said vehicles shall be clean and sanitary at all times. A citation may be issued for any taxi that is unclean on the inside and or outside.

Every taxicab shall be identifiable with the word "Taxi," "Cab," or "Taxicab," the name of the vehicle for hire business permitted and the name "Town of Amherst" on both sides of the vehicle in letters not less than four (4) inches high and two (2) inches wide. All wording must be in contrasting colors to the vehicle. Taxicabs shall also display any sticker or other marking required by the Chief of Police.

If the business license holder operates more than one taxi, each taxi shall have an identification number, not less than four inches high and one half inch wide, painted in two conspicuous places on the taxicab in contrasting colors. A taxicab shall not carry more persons than the maximum rating for the vehicle, as established by the manufacturer of said vehicle. No passenger may occupy the front seat unless all other seats are occupied or the passenger has a physical disability that requires front seat occupancy only.

Whenever requested by a passenger or whenever there is a dispute over a fare, the taxicab driver shall give a receipt to said passenger containing the taxicab company's name, taxi driver's full name, cab number, date, time, origin and destination of the trip and the amount charged.

All taxicabs must display two (2) "NO SMOKING" decals inside the cab.

All taxicabs are subject to inspection, without notice, by the Board of Health, Police Department, Zoning Enforcement Officer, Select Board, or duly appointed inspector for compliance with these rules and orders.

The operation of each taxicab, record keeping, conduct of taxicab drivers and operators, adherence to proper rates of hire, and compliance with all Rules and Regulations promulgated by The Amherst Select Board and Ordinances of the Town of Amherst shall be the sole and exclusive responsibility of the taxicab owners.

- > ARTICLE IV. - PARKING, STOPPING AND STANDING GENERALLY
- > ARTICLE V. - PARKING DURING SNOW AND ICE STORMS
- > ARTICLE VI. - OFF-STREET PARKING
- > ARTICLE VII. - PEDESTRIANS
- > ARTICLE VIII. - BIKEWAYS
- > ARTICLE IX. - TOPICS PROGRAM
- > ARTICLE X. - PARADES AND PROCESSIONS
- > Chapter 17A - BOATS AND OTHER RECREATIONAL VEHICLES
- > Chapter 18 - DEPARTMENT OF PUBLIC WORKS
- > APPENDIX A - RULES OF COUNCIL

CODE COMPARATIVE TABLE 1971 CODE

CODE COMPARATIVE TABLE ORDINANCES modified

STATE LAW REFERENCE TABLE modified

< Secs. 9-271—9-290. - Reserved.

ARTICLE X. - WEIGHTS AND MEASURES >

ARTICLE IX. - VEHICLES FOR HIRE^[8]

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DIVISION 1. - GENERALLY

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Secs. 9-291—9-310. - Reserved.

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DIVISION 2. - TAXICABS AND LIMOUSINES

⋮

Sec. 9-311. - License required.

⋮

No person shall convey passengers for hire from place to place within the city by any carriage or other vehicle without first having obtained a license therefor from the city council.

- > ARTICLE IV. - PARKING, STOPPING AND STANDING GENERALLY
- > ARTICLE V. - PARKING DURING SNOW AND ICE STORMS
- > ARTICLE VI. - OFF-STREET PARKING
- > ARTICLE VII. - PEDESTRIANS
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DIVISION 1. - GENERALLY

Secs. 9-291—9-310. - Reserved.

DIVISION 2. - TAXICABS AND LIMOUSINES

Sec. 9-311. - License required.

No person shall convey passengers for hire from place to place within the city by any carriage or other vehicle without first having obtained a license therefor from the city council.

Easthampton

transfer includes the issuance or transfer of more than forty (40) percent of the outstanding stock of the corporation.

- c. Any person desiring to operate such a business within the City of Easthampton shall file an application with the City Clerk for referral to the City Council setting forth the name and residence of the owners of said business, the address from which the business shall be operated, the kind of services to be provided under the permit, and the hours of daily service. Said application shall also state a description of the motor vehicle(s) to be operated under the permit. No owner or driver shall solicit business except at the place of business listed or at city approved taxi stands.
- d. No permit shall be issued until the applicant has delivered to the City Clerk a policy of insurance issued by an insurance company authorized to transact business specified in subdivision (b) of the sixth clause of section 47 of Chapter 175 of the General Laws, covering the motor vehicle(s) to be operated by the applicant under his or her permit, conforming to the provisions of sections 112 and 113 of said chapter 175, nor until the applicant has also delivered to the City Clerk a certificate of the insurance company issuing the policy showing that the policy shall not be canceled without giving the City Clerk ten (10) days notice thereof.
- e. Such policy shall be a policy of liability insurance which provides indemnity for or protection to the insured, and any person responsible for the operation of the insured's vehicle(s) with his express or implied consent, against loss by reason of the liability to pay damages to others for injury to property or bodily injuries, including death at any time resulting therefrom, sustained during the term of said policy by any person other than the employees of the insured or of such other person responsible as aforesaid who are entitled to payments or benefit under the provisions of Chapter 152 and arising out of the ownership, operation, maintenance, control or use upon the ways of the Commonwealth, of such car to the amount or limit of at least one-hundred thousand dollars (\$100,000.00) on account of injury to or death of any one person and subject to such limits as respects injury to or death of one person, or at least three-hundred thousand dollars (\$300,000.00) on account of any one accident resulting in injury to or death of more than one person, and to the amount or limit of at least twenty-five thousand dollars (\$25,000.00) on account of any one accident resulting in damage to property. (Subsection e. amended by the City Council 10-1-14; approved by Mayor 10-2-14)
- f. Every vehicle operated by the business owner shall be inspected by a state certified inspection station semi-annually. A current, valid inspection sticker must be possessed upon application for registration with the city and at the six (6) month anniversary of operation. Such inspection is at the owner's expense and proof must be supplied to the City Clerk. The City Council shall cause each vehicle permitted pursuant to this section to be inspected by the Police Department at least semi-annually. Whenever the Chief of Police or his designee has reason to doubt such taxicab is in safe, proper mechanical condition, properly equipped, properly lettered and in a suitably clean condition, he/she may suspend the city registration permit thereof without a hearing, and take possession of said permit until the conditions are corrected. The owner and /or corporation may file an appeal on the Chief's action to the City Council however, the suspension shall remain in effect.
- g. No taxicab shall be made so closely to resemble the taxicab of another so as to mislead the public as to its identity. All taxicabs will conform with section 22 of Chapter 40 of the General Las, to wit, "shall have the name or company name of the owner and the name of the city or city in which it is licensed, painted or lettered on the sides thereof in letters not less than four (4) inches nor more than five (5) inches high and one-half (1/2) inches wide."

Sec. 98-63. - Presentation of registration certificate prerequisite to issuance of license.

⋮

No vehicle for hire license shall be issued under this division unless the applicant therefor shall have presented to the city clerk, in the case of each car, a valid certificate of registration issued by the registrar of motor vehicles.

(Ord. of 8-4-10 [1st amd.], § 1)

Sec. 98-64. - Liability insurance—Required.

⋮

No vehicle for hire license shall be issued under this division until the applicant has delivered to the city treasurer a policy of insurance issued by an insurance company authorized to transact business specified in subdivision (b) of the sixth clause of M.G.L.A. c. 175, § 47, covering the motor vehicle to be operated by the applicant under his license, conforming to the provisions of M.G.L.A. c. 175, §§ 112 and 113, nor until the applicant has also delivered to the city treasurer a certificate of the insurance company issuing the policy showing that the policy shall not be canceled without giving the city treasurer five days' notice thereof.

(Ord. of 8-4-10 [1st amd.], § 1)

Sec. 98-65. - Same—Coverage.

⋮

The policy required by section 98-64 shall be a policy of liability insurance which provides indemnity for or protection to the insured, and any person responsible for the operation of the insured's car with his express or implied consent, against loss by reason of the liability to pay damages to others for injury to property or bodily injuries, including death at any time resulting therefrom, sustained during the term of such policy by any person other than employees of the insured or of such other person responsible as aforesaid, who are entitled to payments or benefits under the provisions of M.G.L.A. c. 152, and arising out of the ownership, operation, maintenance, control or use upon the ways of the commonwealth of such car, to the amount or limit of at least \$50,000.00 on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of one person, of at least \$100,000.00 on account of any one accident resulting in injury or death of more than one person, and to the amount or limit of at least \$25,000.00 on account of any one accident resulting in injury to property.

↑ Most Likely meant \$250,000

(Ord. of 8-4-10 [1st amd.], § 1)



376 §2-6 Need and Convenience

No later than June 1st of each year, the Board shall determine the conditions and restrictions applicable to vehicles-for-hire businesses. Such determination shall be made based upon public need and convenience and the promotion of public health and safety.

376 §2-7 Fee

The annual fee for a vehicle-for-hire business license or renewal of same shall be \$50.00.

GFC ch376 §3 Vehicle-for-hire license

376 §3-1 License required

Prior to the operation of any vehicle as a vehicle-for-hire, a vehicle-for-hire business licensee must secure a vehicle-for-hire license for each vehicle. The Chief of Police may only issue a vehicle-for-hire license if the vehicle has passed an inspection administered by the Chief of Police or the Chief's designee, as provided in 376 §3-4 of these regulations.

A vehicle-for-hire license shall set forth the applicant's name and address, name and place of business of the vehicle-for-hire business licensee, a description of the vehicle, the vehicle's identification number or numbers, and the number of seats exclusive of the operator. Such license shall be valid for a period of one year from the date of issuance unless sooner revoked or suspended.

376 §3-2 Application

Application for a vehicle-for-hire license shall be made to the Chief of Police by the holder of a vehicle-for-hire business license. Such application shall set forth under oath all information that the Chief of Police may require, including:

- a) The make, model, vehicle identification number, and age of the vehicle
- b) A copy of the certificate of insurance coverage page for the vehicle indicating vehicle insurance covering at a minimum of \$100,000/\$300,000 P.L. and \$100,000 P.D.
- c) Vehicle registration
- d) The place at which the vehicle-for-hire will be stored when not in use within the Town of Greenfield

376 §3-3 Insurance certificate

All licensees shall maintain appropriate vehicle insurance as required by 376 §3-2 and by the Commonwealth of Massachusetts and shall carry evidence of such insurance in the licensed vehicle at all times. A copy of this insurance certificate must be provided to the Chief of Police at time of application and each year at renewal time. The policy shall state that if it is revoked or amended, the insurance company will notify the Chief of Police no later than 30 days prior to the effective date of the revocation or amendment.

376 §3-4 Semi-annual inspection

Before a vehicle-for-hire is licensed, and semi-annually thereafter in order to renew the vehicle-for-hire license at a time selected by the Chief of Police, such vehicle-for-hire shall be thoroughly inspected and examined by a designee of the Chief of Police for the purpose of determining that the vehicle-for-hire is in

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Seventeen

Upon the Recommendation of the Mayor and the Northampton Police Department

17.265
AN ORDINANCE

RELATIVE TO TAXIS AND LIVERY VEHICLES FOR HIRE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

That the Code of Ordinances be amended as follows:

§ 316-13 Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUSINESS OWNER'S PERMIT

Permit required to operate a business utilizing vehicles for the conveyance of people.

OPERATOR'S PERMIT

Permit required by any person operating vehicles performing services under a business owner's permit.

REGISTRATION OF VEHICLES

The filing with the City Clerk of certain information relative to vehicles providing service under a business owner's permit.

TAXICABS

A ~~metered (Hard wired or GPS Smart Phone App)~~ motor vehicle with a seating capacity not to exceed eight passengers, displaying on its exterior permanently painted or decal identification markings, a light affixed to the roof of said vehicle, and a taxi registration number plate issued by the Massachusetts Registry of Motor Vehicles, operated for hire by or on behalf of the holder of the business owner's permit or by an employee or independent contractor of said permit holder; but which does not pick up, transport, or discharge passengers along a set route.

LIVERY VEHICLES

Any limousine or other vehicle which is designed to carry 15 or fewer passengers, including the driver, and carries passengers for hire, business courtesy, employee shuttle, customer shuttle, charter or other pre-arranged transportation, and which vehicle is not required to obtain a taxicab license under this ordinance.

§ 316-14 Reserved

§ 316-15 Reserved

§ 316-16 Exception for common carriers regulated under state law.

The provisions of this article shall not apply to any business operated in a manner and for the purposes stated in Chapter 159A of the General Laws of Massachusetts. The provisions of this article shall not apply to a holder of a certificate issued by the Department of Public Utilities.

§ 316-17 Business owner's permit.

A. No person, corporation or other entity based in Northampton shall operate a taxicab or livery business within the City of Northampton without a permit as provided herein. Permits may be granted only to suitable persons, corporations or other entities who are the legally registered owners of said taxicabs or livery vehicles, and provided that the principle place of business for servicing Northampton is established at a legal street address within the City conforming to all applicable City ordinances and state laws.

B. Any person desiring to operate such a business within the City of Northampton shall file an application with the City Clerk for referral to the City Council setting forth the name and residence of the owners of said business, the address from which the business will be operated, the kind of service to be provided under the permit, and the hours of daily service. Said application shall also state a description of the motor vehicle(s) to be operated under the permit. No owner or driver shall solicit business except at the place of business listed, or City-approved taxi stands (per § 312-39).

C. All permits shall continue in force until the first day of May next after the date issued and shall not be sold, assigned or transferred without the approval of the City Council. A transfer includes the issuance or transfer of more than 40% of the outstanding stock of the corporation.

D. All vehicles operating under the Business Owner's Permit are subject to vehicle permitting requirements per § 316-19.

E. The City Council shall issue to the applicant a permit which shall be placed in a conspicuous location in the applicant's place of business.

§ 316-18 Operator's permit.

A. No person shall operate a vehicle governed by the provisions of this Article unless they have obtained an operator's permit from the Chief of Police. Applicants shall apply on forms furnished by the City Clerk and shall set forth under oath such information as the Chief of Police may require. All applications shall be forwarded by the City Clerk to the Chief of Police within five days of filing of the application. The Chief of Police shall issue or deny the license within 30 days of referral.

B. Operator permits shall be signed by the Chief of Police and shall be numbered in order as granted and unless sooner suspended or revoked shall continue in force until the first day of May next following the date of issuance thereof. The Chief of Police shall cause notice of the issuance or denial of a permit to be filed with the City Clerk.

C. The permit issued to the applicant shall be encased in plastic and shall bear a color photograph of the applicant. Said permit shall be displayed in a prominent place in the interior of any vehicle while being operated as a taxicab or livery by the applicant. No permit shall be issued unless the applicant furnishes proof of having a valid Commonwealth of Massachusetts motor vehicle operator's license. Any suspension or revocation of said license or right to operate shall cause the applicant's taxi or livery operator's permit to be automatically revoked.

D. Upon being denied an operator's permit by the Chief of Police, an applicant shall have the right of appeal to the Mayor or their designee. All such appeals shall be in writing and filed with the Mayor or their designee within 10 days of the denial of the operator's permit. Appeals will be heard within 20 days of the filing thereof. The decision of the Mayor or their designee shall be final and binding.

E. It shall be the duty of the driver of any vehicle for hire to accept as passengers any person who seeks to use the services of a vehicle for hire, provided that such person conducts themselves in an orderly fashion. No person shall be admitted to a vehicle for hire occupied by a passenger without the consent of the passenger.

F. No person in charge of a vehicle for hire shall give directions, information, or service to any person seeking a place or person for unlawful purposes, or convey from place to place a person who is noisy or disorderly.

G. Loud or importunate solicitation of passengers for vehicles for hire on the public ways is prohibited.

H. It shall be unlawful to knowingly permit any vehicle for hire to be used in the perpetration of any crime.

I. It shall be unlawful for any driver of a vehicle for hire while on duty to drink any intoxicating beverage, disturb the peace of the passenger or smoke at any time in a vehicle registered as a taxi or livery under this ordinance.

J. The licensed operator of each vehicle for hire will be responsible to make notification to the Police Department of any article of value left therein by any passenger not later than 24 hours after finding same. The company owner shall secure such item until 90 days have elapsed, and if not claimed will revert to the taxi company.

K. The licensed operator of the vehicle for hire and all passengers must comply with Chapter MGL c. 90, § 13A, regarding the wearing of seat belts.

§ 316-19 Permit requirements for vehicles

A. Vehicle Registration Requirements

1. No vehicle shall be operated for the purposes regulated under this article unless said vehicle has been registered with the City Clerk and approved by City Council. The owner shall provide the City Clerk with the year, make, model, color, current-vehicle registration number and vehicle identification number, together with the number of persons, exclusive of the operator, which it may carry and a photograph of such vehicle. The applicant shall also provide the City Clerk with a policy of insurance as provided below. No such permit shall be issued unless the applicant has presented to the City Clerk a valid certificate of taxi or livery registration issued by the Registrar of Motor Vehicles as required under 540 CMR -2.05.
2. No permit shall be issued until the applicant has delivered to the City Clerk a policy of insurance issued by an insurance company authorized to transact business in the Commonwealth of Massachusetts, covering the motor vehicle(s) to be operated by the applicant under their permit, nor until the applicant has also delivered to the City Clerk a certificate of the insurance company issuing the policy showing that the policy shall not be canceled without giving the City Clerk 10 days notice thereof.

Such policy shall be a policy of liability insurance which provides indemnity for or protection to the insured, and any person responsible for the operation of the insured's vehicle(s) with their express or implied consent, against loss by reason of the liability to pay damages to others for injury to property or bodily injuries, including death at any time resulting therefrom, sustained during the term of said policy by any person other than the employees of the insured or of such other person responsible as aforesaid who are entitled to payments or benefit under the provisions of Chapter 152 of the General Laws and arising out of the ownership, operation, maintenance, control or use upon the ways of the commonwealth, of such car to the amount or limit of at least \$250,000 on account of injury to or death of any one person, and subject to such limits as respects injury to or death of one person, of at least \$500,000 on account of any one accident resulting in injury to or death of more than one person, and to the amount or limit of at least \$100,000 on account of any one accident resulting in damage to property.

3. Every vehicle operated by the business owner shall be inspected by a state-certified inspection station yearly. A current, valid inspection sticker must be possessed upon application for registration with the City. Such inspection is at the owner's expense, and proof must be supplied to the City Clerk. Whenever the Chief of Police or their designee has reason to doubt such taxicab or livery vehicle is in safe, proper mechanical condition, properly equipped, properly lettered and in a suitably clean condition, they may suspend the City registration permit thereof without a hearing, and take possession of said permit until the conditions are corrected. The owner and/or corporation may file an appeal on the Chief of Police or their designee's action to the Mayor or their designee; however, the suspension shall remain in effect until a decision has been made. All such appeals must be made in writing and addressed to the Mayor or their designee. Appeals will be heard within 20 days of the filing thereof. The decision of the Mayor or their designee shall be final and binding.
 4. All vehicles shall provide child safety seats. Taxicab and Livery companies shall provide a plan for proper child safety restraint usage in their vehicles.
 5. The City Clerk shall provide the applicant registering a taxicab or livery vehicle with a placard for each vehicle bearing the words "Taxi Vehicle License, Northampton, Massachusetts," or "Livery Vehicle License, Northampton, Massachusetts" setting forth the serial number of the permit, the year issued, the name and address of the holder of the owner's business permit, the year, make and color of the vehicle and the number of passengers permitted to be carried in the vehicle, which shall be attached to the interior of the vehicle so as to be plainly visible to the occupants thereof.
- B. Operation and marking of livery vehicles:
1. Livery vehicles shall be hired on a prearranged basis only, with a minimum 12 hour notice.
 2. Livery vehicles shall not pick up on-demand fares on the street that were not pre-arranged outside of the 12 hour requirement.
 3. Livery vehicles shall not have exterior vehicle markings that state "Taxi" or "Cab".
 4. Livery vehicles shall not contain a rate meter, and shall not charge for service based upon miles traveled if the trip is less than 25 miles.
 5. Livery vehicles shall have in each vehicle for hire a pre-completed schedule trip sheet including the following information: current date, time month, and year, the name of the vehicle's company and licensed owner, the name of the vehicle's driver, the vehicle's license number, the time of all pre-scheduled pick-ups of passengers, the name, address, and phone number of the person who scheduled the pick-up, the times of all pre-scheduled pick-ups, and the origin and destination of all pre-scheduled pick-ups.

C. Operation, marking, and metering of taxicabs:

1. No taxicab shall be made so closely to resemble the taxicab of another so as to mislead the public as to its identity. All taxicabs will conform with § 22 of Chapter 40 of the General Laws, to wit, "shall have the name or trade name of the owner and the name of the City or town in which it is licensed, painted or lettered on the sides thereof in letters not less than four inches high and 1/2 inches wide.
2. Taxicabs shall have exterior vehicle markings that state "Taxi" or "Cab".
3. Taxicabs may be hired or hailed on an on-demand or pre-arranged basis.
4. Any taxicab that is permitted in another community and does not operate a permitted taxicab business within the City limits may drop off fares in Northampton from another community and may pick up fares in Northampton and drop them in another community. However, taxicab companies that are not permitted through the City of Northampton may not pick up and drop off the same passenger within the City limits. Further, taxicab companies not permitted through the City of Northampton may transport only passengers that are hired on a pre-arranged basis and may not pick up hailed fares in the City.
5. Taxicabs must include a rate meter that is either hard wired or that is a GPS Smart Phone App that is visible to the passengers.

§ 316-20 Rates of operation.

~~Maximum rates of operation must be clearly displayed and conveyed to the customer prior to services rendered.~~

Prior to services rendered taxicab and livery company dispatchers or operators must inform customers of the cost of the ride and must post a clear flat rate chart that is visible to passengers. In lieu of these requirements a taxicab may instead have a meter (hard-wired) with rates clearly posted and visible to passengers including the flag drop charge (initial charge), per mile charge, and waiting time charge.

§ 316-21 Violations and penalties.

Any owner or driver violating the requirements of §§ 316-18, 316-19 and/or 316-20 shall be subject to a penalty of \$100 for the first offense and \$200 for each and every subsequent offense. Any owner or driver violating the requirements of § 316-17 shall be subject to a penalty of \$300 for each and every offense. The City Council may suspend or revoke any permit issued under §§ 316-17, 316-18, and/or 316-19 for violation of any state statute, City ordinance, or any rule, order or regulation promulgated by the City of Northampton and/or the City Council. Sections 316-17, 316-18, 316-19, and 316-20 may be enforced by criminal complaint, noncriminal disposition under Chapter 40 of the Code of Ordinances, or any other civil or criminal procedure available by law.