

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~~ 100,000 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~~ 300,000 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 \$25,000/\$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.

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