

Order 969

**CHAPTER 13**

**LICENSING**

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**Section 13-10 Vehicles for hire – General Provisions**

A. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this sub-section:

**Taxicab:** A metered or unmetered motor vehicle with a seating capacity of eight (8) or less that is operated for hire by or on behalf of the named insured or by an employee, but does not pickup, transport, or discharge passengers along a route.

**Livery, Also Known as a Car Service:** An unmarked (see Section 13-14, B) for hire motor vehicle which is described as having some or all of the following elements:

- (1) Is hired on a prearranged basis
- (2) Does not pick up hail fares on the street
- (3) Does not contain a rate meter, and does not charge for services based upon miles traveled if the trip is less than twenty-five (25) miles
- (4) Operates on a scheduled business day, and is returned to the vehicle's base of operation for a continuous period of a least four hours in each twenty-four (24) hour period
- (5) Is operated by the named insured, an employee, or an independent contractor of the named insured, in attendance as a chauffeur
- (6) Operates from a base with two-way radio communication **and/or cellular device.**
- (7) Primary payment method is by billing, credit card, **and/or cash "app" application.**
- (8) Not for drop-off and pickup unless being utilized by an employment agency or non-profit group, or for interstate travel that takes fares at least twenty (20) miles out of the city.
- (9) Is utilized by car dealerships to transport clients and utilizes a livery registration plate.
- (10) Is utilized by a Not for Profit organization for the transportation of persons under 17 years of age or mentally or physically handicapped individuals.

**Limousine:** An unmarked luxury sedan that is operated for hire which is:

- (1) Hired on a prearranged hourly basis for weddings, funerals, religious ceremonies or other social functions;

(2) Hired on an exclusive, dedicated basis for the duration of the event, not for drop-off and pick up; and

(3) Operated by the named insured, an employee, or a independent contractor of the named insured, in attendance as a chauffeur at the beginning and ending of the function.

**Vehicle for Hire:** Shall be used herein when referring to all of the afore-mentioned vehicles.

B. Purpose and Authority.

Vehicles for hire are licensed by the City of Methuen to ensure the safety of the public. This ordinance is adopted pursuant to M.G.L. c.40, §22.

C. Scope.

Unless otherwise specifically provided, the articles contained herein shall apply to every vehicle for hire and vehicle for hire driver licensed by the City of Methuen.

D. Limits.

It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases included in this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

E. Amendments

The Methuen City Council reserves the right to amend this ordinance after proper public notice and hearing.

F. Effective Date.

**Section 13-11 Vehicle for Hire Company Licenses**

A. Company License - Required

No person shall set up, employ or use for the conveyance of passengers for hire, any motor vehicle, coach, cab or other means of conveyance, without a license from the Methuen City Council.

B. Same - Licenses Granted by Council

The City Council may grant vehicle for hire licenses for a term of one year upon such terms and to such persons as it may deem expedient to set up, employ or use for the conveyance of persons within the City, for hire, vehicles for hire, which licenses shall be revoked or suspended at any time by the City Council for any violation of the provisions of this section or any other ordinances of the City, and may be revoked by the City Council for other causes, and a record of such licenses shall be kept by the City Clerk.

C. Same - Qualifications of Licensee

Every person granted a vehicle for hire license under this section shall be duly established in the particular type of business for which the license has been granted (i.e. taxi, livery, limousine), making it a substantial part of his/her daily labors, and shall own property, either personal or real, in the City, not exempt from attachment, or be an inhabitant of the City.

D. Same - Vehicle License Application & Fees

No vehicle for hire license shall be issued unless the person owning or in possession of such vehicle for hire shall file with the City Clerk, a petition addressed to the City Council, in a format proscribed by the City Clerk, setting forth the name and residence of the applicant, who in no event shall be less than eighteen years of age. The petition shall also state the make, the year, the vehicle identification number and type of vehicle, and owner of each vehicle to be used, and the state registration number. All statements in the petition shall be sworn to. If the petition is made by a corporation the same shall be sworn to by the President and Treasurer of the corporation and shall set forth the names of all the officers and directors of the corporation. Further, if the petition is made by the owner, tenant or legal occupant of a condominium unit as defined under Chapter 183A of the General Laws, the same shall be accompanied by a written statement of a vote of the organization of unit owners as defined in Chapter 183A, Section 1 consenting to said petition. (Ord. #868, Eff. Sept. 17th, 2012)

The annual fee for a vehicle for hire COMPANY license shall be ~~two hundred and fifty dollars (\$250)~~ **\$75.00 seventy-five dollars**, per vehicle and shall be due and payable to the City of Methuen for the issuance and/or renewal of any such license. This fee is non-refundable and shall be paid via check or money order only. This fee shall be waived for not for profit organizations.

E. Same - Vehicle License Renewal

Vehicle licenses shall be renewable on an annual basis, with each license expiring on December 31st of each year.

F. Same - Limitation of Number of Taxi Licenses

The total number of taxicab company licenses, which may be granted and outstanding at any one time in the City, shall not exceed four (4). The total number of taxi vehicles allowed to be licensed in the City shall be forty (40) at any one time.

#### G. Same - Sale, Etc. of Vehicle for Hire License

No vehicle for hire license shall be sold, transferred or assigned without the consent of the City Council.

#### Section 13-12 Vehicle for Hire Insurance Requirements

##### A. Insurance Policy - Required

No license required by this section shall be issued until the applicant has acquired a policy of insurance and has delivered to the City Clerk a copy thereof issued by an insurance company authorized to transact business specified in sub-division (b) of Section 47 of Chapter 175 of the General Laws, covering the motor vehicle to be operated by the applicant under his license, conforming to the provisions of Sections 112 and 113 of Chapter 175 of the General Laws, 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 cancelled or in any manner amended, changed or altered without giving the City Clerk five days notice thereof.

##### B. Same - Liability Coverage Requirements

Every licensed vehicle for hire owner shall, at all times, carry liability insurance which provides indemnity for or protection to the insured, and any person responsible for the operation of the insured's vehicle with his/her express or implied consent against loss by reason of the liability to pay damages to others for bodily injuries, including death at any time resulting therefrom, sustained during the term of the policy by any person, other than employees of the insured, or, of such other person responsible as aforesaid, who are entitled to payments for benefits under the provisions of M.G.L., c. 152, and arising out of the ownership, operation, maintenance, control or use upon the ways of the Commonwealth of such vehicle, to the amount or limit of at least Two Hundred and Fifty Thousand Dollars (\$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 any one person, of at least Five Hundred Thousand Dollars (\$500,000) on account of any one accident resulting in injury or death of more than one person. In addition, the owner shall carry a property damage policy in the amount of Fifty Thousand Dollars (\$50,000)

##### C. Same - Certified Statement of Letter Acceptable in Lieu of Certificate

The City Clerk may accept a statement in writing from an insurance company certifying that a policy of insurance is to be issued to the applicant and identifying the vehicles insured in lieu of the certificate of insurance. Said certificate of insurance shall include in its body whether the vehicle is being insured as a taxicab, livery, or limousine. The certificate of insurance shall be filed with the City Clerk immediately following preparation and issuance of the policy of insurance and also include the notice of cancellation of insurance to the City Clerk as specified in Section 12-12 A above.

D. Same - Notice Required of Actions Instituted Against Policy

A licensee or a person responsible for the operation of a licensee's vehicle with the express of implied consent shall immediately, upon the services of any writ or summons in any action for the payment of the judgment in which is secured by such policy, give written notice to the Chief of Police of the bringing of such action.

E. Same - Name of Insurer Furnished on Request

The City Clerk shall, upon request of any person, furnish the name of the company issuing an insurance policy referred to in the four preceding sub-sections covering any particular vehicle licensed and shall exhibit the certificate of insurance to any such person or his duly authorized representative.

F. Same - Termination of License Upon Cancellation or Expiration

Any license issued under this section shall terminate upon the canceling or the expiring of the policy of insurance required by Section 13-12, A, covering the car licensed.

### **Section 13-13 Responsibilities of Vehicle for Hire Owners**

A. Vehicle Compliance

Each and every holder of a license issued pursuant to this ordinance shall be responsible for ensuring that each of said licensee's vehicles is maintained and operated in full compliance with these articles. Owners shall not allow operation of any vehicle that is unsafe for passenger service.

B. Daily Vehicle Inspection

Each and every holder of a vehicle for hire company license issued pursuant to this ordinance shall personally, or by an agent, inspect, repair and clean the interior and exterior of such vehicle on each day that the vehicle is operated. Such inspection shall be for the purposes of ascertaining vehicle compliance with these articles. The time, place and person performing such inspection shall be recorded on the daily log.

C. Maintenance of Daily Log

Each and every holder of a vehicle license issued pursuant this ordinance shall supervise the recording and maintenance of a daily log for each vehicle as required by Section 13-15, L. Such licensee must verify daily that the daily log has been properly prepared and accept the daily log for filing at the end of each day. Daily logs shall be retained for a period of not less than four (4) years. Such log shall, upon request, be open to inspection by the Chief of Police or any police

officer designated by said Chief of Police. Daily log format shall be approved by the Police Department.

#### D. Driver Training and Supervision

Each and every holder of a company license issued pursuant this ordinance shall be responsible for training and supervising each and every driver operating any of said licensee's vehicles. Such training shall include but not be limited to: use of radio and/or cellular telephone, preparation of a daily log, proper vehicle operation, vehicle maintenance and review of the provisions of these articles. A failure to properly and adequately train any taxicab driver may result in disciplinary action if such driver is found to have violated any provision of this ordinance.

#### E. Licensed Operator Required; Only Fare-Paying Passengers Allowed

No persons owning or in possession of a vehicle for hire licensed under this chapter shall authorize, permit or allow such licensed vehicle to be operated by any person except a licensed public vehicle for hire operator; nor shall any person drive or have charge of any such licensed vehicle except a person licensed under this Chapter to operate such vehicles. Except in cases of emergency, no person other than a fare-paying passenger shall ride with or accompany any vehicle for hire operator in any vehicle for hire licensed under this section.

#### F. Drivers Eligible for Employment in the U.S.

Each and every holder of a license issued pursuant to this Chapter shall be responsible for verifying as to each and every driver, operating any of said licensee's vehicles eligibility for employment in the United States as per Title 8, USC, § 1324A.

#### G. Driver Dress Code

Each and every holder of a license issued pursuant this ordinance shall be required to inform each and every driver operating any of said licensee's vehicles, as to the standards for dress and appearance as provided by this ordinance. Further, the licensee shall be responsible for enforcing driver compliance with such standards.

#### H. Driver Refused if Intoxicated

A driver shall be refused work by the holder of a license issued pursuant this ordinance if in the opinion of the licensee, the driver is in an intoxicated or otherwise unstable state.

#### I. Reporting of Vehicle Accidents

Each and every holder of a license issued pursuant this ordinance shall ensure that the Police Department is notified in writing of any motor vehicle accident involving any of said licensee's vehicles for hire drivers. The driver shall make the official notification.

#### J. Change of Car Used as Vehicle for Hire

When vehicle for hire owners change cars, they shall bring the new registration certificate to the Police Department and the City Clerk's office, who shall make a copy of the same. After being properly recorded, the new car shall become a licensed vehicle for hire.

#### K. Child Restraints

Each and every holder of a license issued pursuant this ordinance shall have available, upon the request of any passenger, a child passenger safety seat for the transportation of a child under five (5) years of age or weighing less than forty (40) pounds, in accordance with M.G.L. Chapter 90 §7AA.

#### L. Notice to be Given of Employee Termination

When a licensed driver vacates their position or is terminated the company owner shall inform the Police Department's Licensing Officer within five working days of the termination date.

### **Section 13-14 Vehicle Markings and Physical Characteristics of Vehicles for Hire**

#### A. Failure to Comply

Failure to comply with Methuen City Ordinance Chapter 13 regarding vehicle markings and physical characteristics may result in the immediate suspension or revocation of any vehicle license issued pursuant to this ordinance.

#### B. Livery Markings Prohibited

A licensed livery vehicle shall bear no external markings of any type, unless otherwise determined by the Chief of Police. Nor shall such a vehicle be equipped with any distinguishing lights or other externally mounted instruments so as to distinguish it from any private passenger vehicle.

### C. Random Compliance Checks

The Chief of Police or his/her designee may at any time order a random compliance check of any vehicle for hire business or vehicle licensed in the City of Methuen. Said compliance checks shall not limit a police officer's ability to stop any vehicle for hire, at any time, for any reasonable suspicion of violations of City ordinances, State statutes, or this ordinance. Said compliance checks may include an audit of any vehicle for hire companies insurance policy.

### D. Vehicle Inspection Reveals Unsafe Vehicle

If a random vehicle compliance inspection reveals a licensed vehicle to be unsafe for transportation, the vehicle license shall be suspended upon written notice to the licensee of the inspection findings. The vehicle shall be immediately removed from service, the license sticker issued pursuant to Section 13-14, M shall be removed and out-of-service stickers shall be placed on the top portion of the windshield and the top portion of the rear window of said vehicle.

The vehicle shall remain out of service until the defect has been corrected and a representative of the police department has re-inspected and approved said vehicle to be fit for service. Only an authorized representative of the police department shall remove an out-of-service sticker. Removal of an out-of-service sticker by anyone other than an authorized representative of the police department may result in the revocation of the vehicle license and/or the vehicle for hire operator's license of any driver found to have removed such sticker.

### E. External Marking Requirements for Taxicabs

No taxicab shall operate without permanent decals or painted markings on each side of the vehicle as to license number, trade or business name, and the word "Methuen". In accordance with M.G.L. c.40. §22, the trade or business name and the word "Methuen" shall be painted in letters not less than four inches high and one-half inch wide. The trade or business name and the word "Methuen" shall be painted in the same color. The trade or business name shall be painted on the front door on each side. The word "Methuen" shall be on the rear fender on each side. The license number shall be painted on the rear fender on each side of the vehicle. Removable magnetic decals are expressly forbidden.

### F. Limitations on Additional Markings On Taxicabs

No advertising may appear on a taxicab in such a fashion as to interfere with the required emergency lights. ~~The location of such advertising shall be approved by the Chief of Police.~~ No other business information may appear on a taxicab except for the telephone numbers of the taxicab or taxicab dispatching company, the hours of daily operation, acceptance of credit cards, availability of customer cellular telephone and air conditioning.



## G. Taxicab Color and Logo Design, Resemblance to Other

### Licensed Taxicabs Prohibited

A licensee shall not mark a licensed taxicab **with logo colors** so as to resemble any Methuen licensed taxicabs operated by another licensee. ~~However, all licensed taxicabs operated by the same licensee shall be painted with identical colors and markings distinguishable from other licensed taxicabs. Colors shall be coordinated through the Police Department.~~

### H. Two-Way Radio/Cellular Telephone Requirement

Every taxicab shall be equipped with a two-way radio or a cellular telephone. Such two-way radio or cellular telephone shall be used to report crimes and/or suspicious activities as required by Section 13-20, J.

### I. Roof Light on Taxicab

Every taxicab shall be equipped with a light attached to the roof of the cab. The police department shall approve the type and style of the roof light. The roof light shall be used at all times the vehicle is within the City of Methuen and must be clearly visible from the front.

The lights shall be three-zoned indicating: "ON CALL", "OFF DUTY", and "TAXI VACANT". If the taxicab is available for hire, the "TAXI VACANT" zone is lit. If the taxicab is en route to the response of a radio call, the "ON CALL" zone is lit. If the taxicab is not available for any fare, the "OFF DUTY" zone is lit.

This light shall also include a trouble light. This device will flash by the touching of a button or switch by the driver from inside the cab. The switch or button shall be within the immediate reach of the driver. The purpose of such device is to indicate that the driver requests assistance from the police. The type, color, and installation of said trouble light shall be approved by the Police Department.

### J. Items Required in Licensed Vehicle

Each vehicle for hire licensed by the City of Methuen shall carry a copy of the following in said vehicle:

- a. The most recent edition of this ordinance. This ordinance must be shown to passengers upon request;
- b. Change for a \$10.00 bill;

~~c. A road map of the City of Methuen;~~

~~d. A road map of Massachusetts; and~~

e. Blank receipt forms.

K. Visible Driver Identification

Every vehicle for hire licensed by the City of Methuen shall have displayed on the visor, glove box or other suitable viewing area, a card approximately 3 inches by 5 inches and provided by the police department. Said card shall contain a photograph of the driver and the following words:

"The Surname and Driver

Certificate Number of this Driver are:"

L. Mechanical and Physical Condition Of Licensed Vehicles

Each vehicle for hire licensed by the City of Methuen shall be maintained at all times in compliance with the requirements set forth in the Massachusetts 540 CMR 4.04 and the following standards:

1. Interior

Interior surfaces must be intact. Seats must be free of tears. Floors must be free of holes and covered completely with carpet and/or rubber matting.

Interior surfaces and windows must be clean.

Seats must be functioning properly and all seat belts must be operable and available for use by passengers.

Windows and doors must be operable from the passenger compartment at all times.

2. Exterior

Vehicle body, bumpers, doors, trim and grill are free of cracks, breaks and surface rust longer than twelve inches in length or fifty square inches total, when all are added together.

All tires must meet Registry of Motor Vehicle Standards for tread depth.

All safety equipment of any type, including lights, signals, glass, windshield wipers and bumpers must be intact and operational.

All safety lights and other required lights must be intact and operational.

M. Licensing Stickers to be Issued;

Every vehicle for hire licensed for operation in the City shall be given a licensing sticker which shall be placed in the lower corner of the windshield on the driver's side.

**Section 13-15 Operation of Licensed Vehicles for Hire Generally**

A. Operation in Conformity with the Law

Drivers of vehicles licensed pursuant to this ordinance shall at all times operate them in accordance with the laws of the Commonwealth of Massachusetts and the Ordinances of the City of Methuen. A driver shall not knowingly give direction, information or transportation to a person seeking a place or person for illegal purposes including, but not limited to, the purchase or acquisition of controlled substances within the meaning of M.G.L. Chapter 94C.

B. Use of Alcohol and Controlled Substances Prohibited

No driver shall, while on duty, take or be under the influence of or consume any alcoholic beverages. No driver shall, whether on or off duty, purchase, sell, use or possess any controlled substance as defined by M.G.L. Chapter 94C.

C. Use of Prescription Drugs

No driver shall, while on duty, take or be under the influence of any prescription drug which may impair the driver's ability to operate said vehicle safely.

D. Operation of Unsafe Vehicle Prohibited

A driver shall not knowingly operate a taxicab or livery that is unsafe for passenger service.

E. Transportation By Direct Route

Drivers of licensed vehicles for hire shall, except when a passenger directs otherwise, transport passengers via the most direct route to the passengers specified destination. The driver shall always obtain permission from the passenger to transport said passenger via any route other than the most direct route.

F. Refusal to Transport Generally

The driver of a vehicle licensed pursuant to this ordinance shall not refuse transportation to any person except for the reasons set forth in subparagraphs (1) through (6) and as otherwise provided in this ordinance:

1. When a person is noisy or disorderly, or the driver has reason to believe that such a person is under the influence of alcohol or drugs unless said driver is directed to transport said person by

a police officer, after securing identification of said person and having ascertained such person's ability to pay the driver;

2. When the person represents a threat to the safety of the driver or to his or her ability to drive the vehicle in a safe manner;
3. When a person is unconscious or deceased and placed in the vehicle by others;
4. When to do so would constitute assisting in a crime;
5. When a passenger is unduly discourteous to the driver or emits an offending odor;

Drivers are to make a daily log entry if they encounter any of the above situations.

#### G. Front Seat Passenger Prohibited

No person other than the licensed driver of a licensed vehicle for hire shall ride or sit in the front seat of said vehicle unless the rear seat is fully occupied by passengers. This provision shall not apply to passengers who must sit in the front seat for physical or health reasons, or for an authorized trainee having a letter of permission from the Chief of Police.

#### H. Transportation of Disabled Persons

##### 1. Animals:

At his or her discretion, a driver may accept or refuse a call when a person is escorting an animal, except if:

- a. The animal is properly and adequately secured in a kennel case or other suitable container which would not cause danger to the taxi driver and the interior of the taxicab, or;
- b. The person is blind, deaf or otherwise disabled and is accompanied by a properly harnessed muzzled guide dog. No charge shall be made for transporting an animal if accompanied by a passenger;
- c. Any driver who is afraid or allergic to animals shall declare his allergy or fear at initial licensing and drive only partitioned vehicles. The driver may not refuse to carry an animal if the vehicle is partitioned.

##### 2. Wheelchairs:

No driver shall refuse transportation to a person with a wheelchair which folds up. Said person must be able to get into and out of the taxicab without assistance from the driver. Once said person is in the taxicab, the driver, without extra charge, shall fold up the wheelchair and place it in the trunk or in the rear of the taxicab.

#### I. Smoking in Licensed Vehicles

Drivers of licensed vehicles for hire shall not smoke cigars, cigarettes, pipes **or cannabis** while transporting passengers if requested by a passenger to refrain from smoking. Drivers of licensed vehicles for hire displaying a "No Smoking" sign shall not be required to transport a passenger who insists on smoking a cigar, cigarette, **cannabis** or pipe after being requested to refrain from smoking.

#### J. Receipt Requirements

Upon the request of any passenger, a driver shall provide a receipt to such passenger. Such receipt shall detail the date, time, point of origin and destination as well as the fare charged for such transportation.

#### K. Daily Log

Drivers shall complete a daily log for each shift documenting every fare from point of origin to point of destination. This daily log shall include:

- a. Car number, operator's name, time of vehicle inspection;
- b. The time and place of pick-up and the time and place of destination;
- c. The number of passengers;
- d. The fee collected; and
- e. Articles found in taxicab after the departure of passenger(s).

At the end of every shift, the driver shall submit the daily log to the licensee for filing and storage.

### Section 13-16 Operation of Taxicabs

#### A. Interfering with Places of Public Assembly

No drivers of a taxicab shall seek a fare by repeatedly and persistently driving said taxicab to and from a short distance or otherwise interfere with the proper and orderly access to or egress from any theater, hall, hotel, public resort, railroad, bus or train station or other place of public assembly.

#### B. Accepting a Hail

A licensed taxicab driver may accept a fare while driving through any public street or place.

#### C. Unattended Vehicle

Every driver of any licensed taxicab shall remain with said vehicle while it is idling. At no time shall a driver park their vehicle in a restricted location.

#### D. Soliciting Passengers While in Attendance of Vehicle

No taxicab driver shall ask anyone if he/she wants a taxicab unless said driver is sitting in the driver's seat or is within one arm's length of the taxicab. The destination shall be ascertained after the fare is seated.

#### E. Refusal to Transport Due to Destination or Short Fare Prohibited

No driver shall inquire as to the destination of a passenger unless the driver is sitting on the driver's seat and the passenger is seated in the taxicab. A driver shall not refuse to transport a passenger due to the passenger's destination or a short fare. Drivers of radio dispatched calls may inquire as to destination within one (1) hour prior to driver shift change.

Nothing in this rule is intended to prevent a telephone operator from inquiring into a fare's name and intended destination for scheduling purposes.

#### F. Taxicab Previously Engaged

No driver of any licensed taxicab shall pickup or carry any passenger after the taxicab has been occupied until the first passenger is discharged unless the first passenger consents. Such prior passenger shall not be obliged or requested to pay extra fare for refusing such consent.

#### G. Refusal to Transport

A taxicab driver shall not refuse transportation to any person except in compliance with subparagraphs (1) through (3) and as otherwise provided in these rules and regulations:

1. When the driver has been dispatched on another call and his/her roof light is off or his/her "ON CALL" light is on;
2. When the driver has stopped work and is returning to the garage of record; the roof light is off, or his/her "OFF DUTY" light is on;
3. When it is necessary to take the taxicab out of service for repairs or to replace defective equipment, and the roof light is off, or the "OFF DUTY" light is on.

#### H. Parking of Private Liveries and Taxicabs

No more than one vehicle for hire, for each dwelling unit on a lot, is permitted to be parked or garaged in a residential district.

"Residential district", as used herein, shall have the same meaning as the following districts in the Methuen Comprehensive Zoning Ordinance: AG/CON; RA; RB; RC; RD; RG; MA; and MB.

#### I. Horn Usage

When picking up passengers vehicle for hire drivers shall refrain from excessive usage of their vehicle's horn. Horns shall, at all times, be used in conformity with Methuen City Ordinance Chapter 9 §9-62 and MGL Chapter 90 §16.

#### Section 13-17 Vehicle for Hire Fares to be Charged

##### A. Determination of Fare -- Notice to Passenger

Every vehicle licensed pursuant to this ordinance shall post inside the vehicle a schedule of fares to be charged for transportation by such vehicle which schedule shall be kept on file with the police department. In addition, every taxicab shall display inside the vehicle a notice to passengers that drivers are forbidden by law to demand a greater fare than that determined by the posted schedule of fares.

##### B. Rates – Established *(NOTES: Copied from Boston)*

The rates to be charged for a conveyance of a passenger in a taxicab within the municipal limits of the City shall be no greater than the following:

\$ ~~1.10~~ **\$2.60** for the first 1/7th of a mile, or fraction thereof;

\$ ~~.20~~ **.40** for each added 1/7th of a mile, or fraction thereof;

A maximum charge of ~~\$12.00~~ **\$28.00** each hour of waiting time.

These rates shall be in effect twenty-four hours each day, provided that the provisions of this section shall not apply to taxicabs hired for funerals, weddings, christenings and touring; and that, as to these, the maximum rates shall be ~~\$12.00~~ **\$28.00** per hour for any waiting time.

Upon the City Council's approval of a fare increase the licensee must post a notice of such increase along with a schedule of the fares to be charged pursuant to such increase, inside the vehicle, for five (5) consecutive business days.

#### Section 13-18 Vehicle for Hire Fines

##### A. Livery Used as Taxicab

Any livery vehicle found to be operating illegally as a taxicab shall result in the issuance of a non-criminal disposition fine of \$250.00 two hundred and fifty dollars and/or the immediate suspension of said vehicles permit for a period not exceeding thirty (30) days. Out-of service stickers shall be placed on the top portion of the windshield and the top portion of the rear window of said vehicle at the time of suspension.

Only an authorized representative of the police department shall remove an out-of-service sticker. Removal of an out-of-service sticker by anyone other than an authorized representative of the police department may result in further action, including, but not limited to, the revocation of the vehicle for hire operator's license of any driver found to have removed such sticker, and the license of the vehicle in question.

All fines shall be made payable to the City of Methuen at the City Clerk's Office.

#### B. General Fines

Any violations of this ordinance, with the exception of the specific violation of Section 13-18, A, may result in the issuance of a non-criminal disposition fine of \$100.00 one hundred dollars and shall be payable to the City of Methuen at the City Clerk's Office.

#### C. Suspension or Revocation

The Chief of Police shall have the right to suspend or revoke any public vehicle for hire operator's license held by any person who violates any of the regulations set forth in this ordinance or other ordinance of the City or law of the Commonwealth relative to taxicabs, liveries, and limousines or the operation of motor vehicles in general.

### **Section 13-19 Vehicle for Hire Operators Licenses**

#### A. Authority of Police to Issue Public Vehicle for Hire Operators Licenses

The Chief of Police is hereby empowered to delegate and authorize proper officials of the Police Department of the City to issue annual Public Vehicle for Hire Operators Licenses to suitable persons who are qualified as operators of vehicles for hire under the terms of this Section.

#### B. Approval of Application

All applications for public vehicle for hire operators licenses shall require the approval of the Chief of Police or his/her designee.

#### C. Unsuitable Persons Generally



Among other elements of an applicant's background, The Chief of Police may consider unsuitable and an improper person to hold a public vehicle for hire operator's license any person who has a criminal record or has within the last five (5) years, any of the following

- Conviction of a felony.
- Violations of parole or probation.
- Convictions of illegal gambling and/or lottery.
- Conviction of a sex offense and/or is currently a registered sex offender.
- Conviction of assault and battery on or disobeying the directives of a Police Officer.
- Conviction of narcotics and/or alcohol related offenses.
- Conviction of firearms violations.
- Conviction of five (5) or more moving violations of motor vehicle laws.
- Pending criminal court cases. (May re-apply following disposition of case)

#### D. Operator's Licensing & Fees

Any applicant for a public vehicle for hire operator's license to drive a vehicle for hire shall present for examination, a valid license as a motor vehicle operator, issued to him/her by the state of his/her residence, and the date and number thereof shall be entered on his/her application.

The annual non-refundable application fee for any vehicle for hire operator's license shall be ~~\$75.00 one hundred twenty dollars (\$125)~~, **FEE WAIVED** for any applicant who drives solely for not for profit organizations, and shall be due and payable via check or money order to the City Methuen. This fee will include the cost of fingerprints of the operator, photographs of the operator and an identification badge.

A photograph will be attached to the operator's license when issued and a photograph will be included in the operator's file at police headquarters. A third photograph will be attached to the visible driver identification as required in Section 13-14, K. The photograph of a driver of a public vehicle for hire shall be attached to the license in such a manner that it cannot be removed and another photograph substituted without detection. Each license shall contain a description of the licensee. All licenses issued to public vehicle for hire drivers shall be called for within thirty days after filing the application.

#### E. Vehicle for Hire Operator's License Renewal

Vehicle for hire operators' licenses shall be renewable on an annual basis, on the anniversary date of the original license.

#### F. Lost or Stolen Vehicle for Hire Operator's License

The fee for a replacement vehicle for hire operator's license shall be twenty-five dollars (\$25) and shall be due payable to the City of Methuen upon the issuance of any such license.

#### G. Rights and Responsibilities of Drivers of Vehicles for Hire

##### 1. Driver Compliance

Each and every holder of a vehicle for hire operators license issued pursuant to this ordinance shall be responsible for full compliance with these articles.

##### 2. Surrender of License Upon Cessation of Driving

Any licensee who shall cease to be the driver of a vehicle for hire, shall at once surrender his or her operator's license to the Licensing Officer of the police department.

##### 3. Notice to be Given Upon Change of Address, Employment, or Employer

When a licensed driver changes his or her address, place of employment, or employer, they shall within five (5) working days of such change, notify the Police Licensing Officer.

##### 4. Notice of Arrest

If, for any reason, a licensed driver is arrested they shall within five (5) working days of the arrest, notify the Licensing Officer.

##### 5. Right to Operate Taxicab and/or Livery

Only a driver possessing a valid vehicle for hire operators license issued by the City of Methuen pursuant to this ordinance shall be permitted to operate a Methuen licensed vehicle for hire.

##### 6. License Photo

The driver of a licensed vehicle for hire shall appear as in his or her photograph as displayed on said vehicle for hire operators license and the Driver Identification required by Section 13-14, K. A new photograph shall be required to be taken at the police department without delay if the driver's appearance has changed.

##### 7. Vehicle for Hire Operator's License Displayed

Every driver having charge of any vehicle licensed pursuant to this ordinance shall have his or her vehicle for hire operators license attached to their vehicle sun visor or to their outer garment or otherwise readily visible on their person, to be displayed upon request by a passenger or police officer.

## 8. Clothing and Cleanliness

Drivers shall dress neatly and be clean of body. The following are expressly forbidden:

- a. Clothing containing a hole or holes in need of repair.
- b. Bathing trunks or other swimwear, or jogging trunks.
- c. Torn or ripped shorts
- d. Footwear that could obstruct operation of vehicle.

## 9. Drivers Answerable to Police Officers

Drivers shall be responsible for answering fully any and all inquiries put to them by any police officer. This responsibility shall include production of said driver's vehicle for hire operators license, daily log and any other documents or things required to be in the possession of said driver or maintained in such vehicle.

## 10. Reporting of Crimes and Suspicious Activities

Every driver shall report to the police any crimes or any suspicious activities of passengers or other persons that he or she may observe.

## 11. Reporting of Accidents By Driver

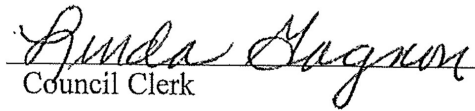
Drivers shall provide written notice to the police department of motor vehicle accidents in which such driver is involved while in the course of his or her duties as a driver. Said notice shall be provided within twenty-four (24) hours of said accident.

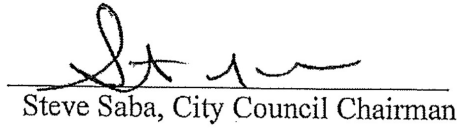
## 12. Articles Found in Licensed Vehicles

Any driver who finds in a vehicle any article presumably belonging to a passenger shall, within twenty-four (24) hours, report the finding thereof to the Chief of Police, or the Licensing Officer, and deliver the same to him or her.

First Read: September 20, 2021  
Adopted: October 4, 2021  
Effective: November 3, 2021

I do hereby certify that at a meeting of which a quorum was present, the foregoing ordinance was adopted by a 7-1-1 vote on October 4, 2021.

  
Council Clerk

  
Steve Saba, City Council Chairman

Approved under MHRC Sec. 3-6  
Date: \_\_\_\_\_

Approved  11/9/2021  
Neil Perry, Mayor