



TOWN OF BARNSTABLE **TAXI CAB RULES AND REGULATIONS**

It is hereby ordered that the rules and regulations of taxicabs, adopted by the Town Manager of the Town of Barnstable, are hereby declared adopted in place thereof.

ARTICLE I DEFINITIONS

Examiner

The Chief of Police of the Town of Barnstable or any person or persons so designated by the Chief of Police.

Number Plate

The sign or markers furnished by the Registry of Motor Vehicles on which is displayed the license number or marks assigned to a vehicle for hire.

Operator

Any person who operates a vehicle for hire.

Police Officer or Officer

Any officer authorized to make arrests or serve criminal process, provided that person is in uniform or displays his badge of office.

Taxicab

A carriage or vehicle for hire equipped with a taxi meter which is used or offered for on demand service.

Taxi Meter

A device by which the charge for hire is mechanically or electronically, or both, calculated whether for distance traveled, or for waiting time, or for both, and upon which such charges shall be indicated by means of figures.

Public Automobile

A carriage or vehicle for hire for livery purposes without a taxi meter other than a vehicle licensed by the Massachusetts Department of Public Utilities to carry passengers.

Seat

The space in a vehicle for hire ordinarily occupied by one person.

Way

Any public way, any private way laid out for public use, any way dedicated to public use or any place to which the public has a right of access as invitees or licensees.

Vehicle for Hire Permit

Permit issued by the Town Manager authorizing the operation of vehicle for hire business.

Vehicle for Hire License

License issued by the Examiner to a vehicle for hire permit holder authorizing the use of a particular taxicab.

Operator's License

License issued by the Examiner to authorize the holder thereof to operate a vehicle for hire.

Vehicle for Hire

Any vehicle used or to be used for the conveyance of persons for hire from place to place.

ARTICLE II PERMITS AND LICENSES

Section 1. Permits

Except as otherwise provided by law, no person shall engage in the business of transporting persons for hire in a vehicle without first having obtained a permit from the Town Manager authorizing him to engage in such business and designating the number of such vehicles that may be used under such permit. The Town Manager is authorized to issue no more than 1 taxicab license per 900 population as certified by the most recent census.

Section 2. Suitable Persons

The Town Manager may grant a vehicle for Hire Permit to suitable persons.

Section 3. Need and Convenience

The Town Manger of the Town of Barnstable shall determine the number, conditions and restrictions of vehicles for hire. Such determination shall be made, based upon serving public need and convenience and the promotion of public health and safety.

Section 4. Vehicle for Hire License

Application for a vehicle for hire license shall be made by the holder of a vehicle for hire permit, to the Examiner. Such application shall set forth under oath all information that the Examiner may require.

Section 5. Change of Address

When a vehicle for hire license holder changes his address or the place at which a vehicle for hire owned by him is kept, he shall notify the Examiner within three days of such change

Section 6. License and Rates to be Posted

No person shall operate a vehicle for hire without a valid vehicle for hire license, and vehicle for hire operator's license on his person or within some easily accessible place in the vehicle.

Section 7. Vehicle License and Rates to be Posted

Every vehicle for hire shall have displayed in clear view of the passengers a notice of the current rates and the vehicle license number issued by the Examiner.

Section 8. Vehicle for Hire License Fee

The annual fee for a vehicle for hire license shall be fifty dollars (\$50.00) which amount shall include the processing fee.

Section 9. Insurance Certificate Required

No vehicle for hire license shall be issued or renewed by the examiner until the applicant shall have presented, to be filed with the application, a certificate of an insurance company authorized to transact business in the Commonwealth stating that the vehicle to which the license applies is properly insured under the laws of the Commonwealth. Such certificate shall state the name and address of the owner of the vehicle, the name of the company in which the license is insured, the amount and character of the insurance, and a statement that the insurance policy is applicable to passengers lawfully riding in the vehicle under the provisions of these and other regulations of the town, and said policy shall state that it cannot be revoked without ten (10) days notice to the Examiner.

Section 10. Suspension or Revocation

The examiner may suspend or revoke a vehicle for hire license or licenses at any time if in his opinion any section of these rules and regulations has been violated by the license holder. A license holder shall be notified in writing of any suspension or revocations stating the specific reason or reasons for the suspension or revocations and inform the licensee of his right to a hearing before the Town Manager by applying to him in writing for said hearing within five (5) days of receiving the notice of suspension or revocation from the Examiner. A hearing shall be held by the Town Manager within twenty (20) days of a written request, excluding Saturdays, Sundays, and Holidays. At the hearing with the Town Manager, the licensee will have the opportunity to present testimony and other evidence, confront and cross examine adverse witnesses, and be represented by a representative of his choice. A request for a hearing shall not delay any suspension or revocation.

Section 11. Vehicle for Hire License Expiration

The Examiner may issue a vehicle for hire license, if in his opinion the vehicle is a proper one for engaging in such business. Such license shall set forth the name, residence, place of business of the licensee, a description of the vehicle with its identification number or numbers and the number of seats exclusive of the operator. Such license shall be valid for such term as the Examiner shall determine.

Section 12. Taxicab License Transfer or Sale Prohibited

No vehicle for hire license provided for in these regulations shall be sold, assigned or transferred; nor shall a majority in interest of any entirety holding such a license be sold, assigned or transferred. Such sale, assignment or transfer shall automatically terminate said license. No taxicab class vehicle for hire permit may be sold except on an all or nothing basis and subject to the approval of the Town Manager. The holder of a single taxicab class vehicle for hire license may apply to the Town Manager to transfer the permits and licenses to a new owner. The holder of multiple taxicab class vehicle for hire licenses may apply to the Town Manager to transfer the permit and licenses to a new owner only if the proposed transfer includes all of the taxicab class vehicle for hire permits held by him.

The Town Manager upon finding the proposed new owner to be a proper person under these regulations and that the proposed owner intends to provide a continuing community benefit through the taxicab service, may approve the request. Any sale or assignment or transfer of a vehicle for hire permit or license not consistent with these regulations shall automatically terminate said permit and or license. Any holder of a vehicle for hire permit or license that no longer has need for the license shall surrender them to the Licensing Office of the Town of Barnstable. Re-issuance of surrendered licenses or permits would be at the discretion of the Town Manager.

Section 13. Vehicle for Hire Sale

Any vehicle for hire licensee under these regulations, who shall cease to be the owner of said vehicle, shall at once surrender the vehicle for hire license for said vehicle to the Examiner, except said licensee may at the time of surrender of said license, transfer said license to another vehicle for hire.

Section 14. Annual Inspection

Before a vehicle for hire is licensed at a time selected by the Examiner, such vehicle for hire shall be thoroughly inspected and examined by the Examiner or someone designated by him for the purpose of seeing that the vehicle for hire is in safe condition for the transportation of passengers, clean inside and outside, of good appearance, and well painted. At the time of the annual inspection, the operator of the vehicle for hire shall present to the Examiner, or his designee, the vehicle for hire license and the inspection card supplied by the town for each vehicle for hire. The Examiner, or his designee, shall, after inspecting the vehicle, either date and sign the inspection card and return the license and inspection card to the operator or inform the operator of corrections that must be made before the license and inspection card will be returned. The fee for the annual inspection under this section shall be fifty dollars (\$50.00).

Section 15. Unfit Vehicle for Hire

The Examiner shall refuse a vehicle for hire license, or if already issued, revoke or suspend said license for any vehicle for hire found unfit, unsafe, or unsuited for the purpose of herein set forth.

Section 16. Number Plates

Any vehicle for hire shall have affixed thereto such number plates as are prescribed for use by the Registrar of Motor Vehicles, which shall be attached to the said vehicle in accordance with the rules and regulations of the Registry of Motor Vehicle and the laws of the Commonwealth of Massachusetts. The owner of any vehicle for hire shall notify the Examiner, as soon as said number plates are received, as to the number of the plate and identification of the vehicle upon which it is to be affixed.

Section 17. Vehicle Colors

No owner of a licensed vehicle for hire shall color his vehicle for hire in colors or designs so closely resembling other licensed vehicles for hire as to mislead the public as to its identity.

Section 18. Advertisements Prohibited on Vehicles for Hire

No advertisements of any description, including the announcements of rates of fare, or any other matter other than the name of the owner, his address or telephone number shall appear on a licensed vehicle for hire EXCEPT a single advertising panel not to exceed 36 inches wide by 17 inches tall, contained in a rigid frame, mounted on the trunk of the vehicle in a manner so as not to obscure or diminish the vehicle license plate, the vehicle lighting or vehicle signals or the operator's rear field of vision is allowed. Alcohol, tobacco and adult entertainment content are prohibited advertising under this regulation.

ARTICLE III VEHICLE FOR HIRE OPERATORS

Section 1. Vehicle for Hire Operator's License

All vehicle for hire operators shall be required to hold a valid Town of Barnstable vehicle for hire Operator License issued by the Examiner. Written application therefore shall be made under penalty of perjury to the Examiner on a form provided by the Examiner. No application for a vehicle for hire operator's license shall be processed until all information required on the application is provided by the applicant.

Section 2. Applicant Requirements

An applicant must:

- a) be at least eighteen (18) years of age;
- b) be the bearer of a valid Massachusetts operator's license issued in accordance with the provisions of Massachusetts General Laws, Chapter (90).
- c) provide a letter to the person from whom he is to be requesting his services
- d) provide two (2) photographs, of passport size, of himself
- e) demonstrate ability to read and write in the English language.

Section 3. Application for Vehicle Operator License

Application for a vehicle for hire operator's license shall be made at the office of the Town of Barnstable Police Department. All applicants shall set forth under the penalties of perjury, such uniform information as the Examiner may require of said applicant in addition to the following information:

- a) name of applicant;
- b) the applicant's residence, date of birth, place of birth, father's name, mother's name, height, weight, complexion, color of hair and of eyes, and social security number;
- c) the number of the applicant's license to operate motor vehicles in the Commonwealth and the date of expiration of such license. Said license shall be displayed at the time of making application.

Section 4. Vehicle for Hire Operator License Fee

The annual fee for the issuing of a Town of Barnstable vehicle for hire operator license shall be determined by Examiner, which amount shall include the processing fee. The fee for a duplicate or amended vehicle for hire operator license, or to reinstate a suspended or revoked vehicle for hire operator's license, shall be determined by Examiner.

Section 5. Reasons for Rejection of Application, or License Suspension, Revocation, or Failure to Renew

In addition to failure to meet the requirements set forth in Section 2 and 3, a decision to reject an application or to suspend, revoke or fail to renew license, may be based as follows:

- a) An applicant convicted of any felony or misdemeanor may be barred from receiving or holding a license for up to the maximum of the following periods of time:
 - 1. Five (5) years after the incident leading to the applicant's or license holder's conviction or admission of sufficient facts or plea of nolo for the sale or possession of a controlled substance, or conspiring to violate the controlled substance laws.
 - 2. Five (5) years after the incident giving rise to the applicant's or license holder's conviction or admission of sufficient facts or plea of nolo for driving under the influence of alcoholic beverage, or narcotic drugs, or operating so as to endanger.
 - 3. Five (5) years after the incident which led to a revocation or two (2) years after the incident which led to the suspension of a driver's license for an offense relating to the operation or control of a motor vehicle.
 - 4. Five (5) years after the incident which led to the applicant's or license holder's conviction or admission of sufficient facts or plea of nolo for a sexually related crime.
 - 5. Five (5) years after the incident which led to the applicant's or license holder's conviction or admission of sufficient facts or plea of nolo for assault and battery.
 - 6. Any moving traffic violation, (speeding, stop sign violation, etc.) The Examiner may suspend the taxicab

operator's license for a period time set by the Examiner, not to exceed seven (7) days.

7. Applicants with a single conviction for another felony or misdemeanor shall be barred for a reasonable time in reasonable proportion to the times listed for foregoing felonies and misdemeanors.
8. Applicants with two (2) or more such convictions may be barred for a reasonable time in reasonable proportion to the time for the foregoing felonies and misdemeanors.

- b) Notwithstanding the foregoing, where the evidence shows that the applicant's or license holder's other activities or condition would, if combined with his use of a vehicle for hire driver's license, present a danger to the health, safety, welfare, or morals of the inhabitants of the Town of Barnstable.

Section 6. The Decision to Approve or Reject

The decision to approve or reject an application for a vehicle for hire operator's license shall be made within sixty (60) days after the filing of the application with the Examiner. The applicant shall be informed in writing of the specific reasons for the rejection of his right to an informal conference with the Examiner to review the decision, and of his further right to a hearing before the Town Manager to review the decision.

Section 7. Decision to Suspend or Revoke

Time Examiner may suspend or revoke a license at any time for cause. Cause is defined as any reason which would allow the Examiner to reject an application as stated in Section 5 or any violation of any section of these regulations. A license holder shall receive written notice of a suspension or revocation. Such notice shall state the specific reasons relied on as a cause for revocation or suspension and inform the licensee of his right to a hearing before the Town Manager by applying to him in writing for said hearing. Such hearing shall be held within twenty (20) days (excluding Saturdays, Sundays, and Holidays), after the receipt of a written request therefore. At said hearing, the licensee shall have the same opportunities and rights enumerated in Article II. Section 10. A revoked license shall not be reinstated or reissued until the licensee has reapplied for a license as outlined in Section 2 through 5, and it is decided by the appropriate official or officials, that the licensee meets all the requirements for a license set forth in the Article.

Section 8. Hearing

At a hearing upon the rejection of an application or the suspension or revocation of a license, the applicant or license holder will have the opportunity to present testimony and other evidence, confront and cross-examine adverse witnesses, and be represented by a representative of his choice.

Section 9. Term of License

Vehicle for Hire operator's licenses shall be for a term of one (1) year. On payment of the prescribed fee, a license shall be issued - a new license unless the license has been previously revoked, or is under suspension in accordance with the provisions of these regulations. If said license is under suspension, the license will be renewed upon the expiration of the suspension and upon payment of the prescribed fee.

Section 10. License to be Visible

It shall be the duty of every person operating a vehicle for hire to have his license to operate and a list of rates and charges of fare conspicuously posted in such vehicle and clearly visible to passengers.

Section 11. Termination of Licensed Operator

Notice in writing shall be given to the Examiner by a vehicle for hire license holder when a licensed vehicle for hire operator ceases to be employed by him, and the license holder shall in such notice give the reasons for the termination of the employment.

Section 12. Change of Address

When a licensed operator changes his home address or his place of employment, he shall notify the Examiner in writing within five (5) days.

Section 13. Dress Code

Every driver having charge of a licensed vehicle for hire shall be hygienically clean, well groomed, neat and clean in appearance, and suitably dressed. Drivers shall be clean-shaven and hair shall be neatly trimmed and clean. If a beard or moustache is worn, it shall be well-groomed and neatly trimmed at all times and shall not present a ragged appearance. The term "suitably dressed" shall be interpreted to mean the driver shall wear trousers, slacks, or bermuda shorts hemmed just above the knee, shoes and an appropriate outer garment (shirt, blouse, coat or jacket) with a collar.

The following articles of clothing are considered inappropriate and are not permitted to be worn by operators when worn as outer garments: T-shirts, underwear, tank tops, body shirts, swim wear, jogging suits, shorts, cut-off style pants without hems, trunks, or similar types of attire. Sandals or any type of open-toed footwear is prohibited.

Section 14. Operator to Display Badge

The Examiner shall issue to each licensed vehicle for hire operator a badge which must be conspicuously displayed on the outer clothing of the licensed operator whenever the licensed operator is in charge of or operating a vehicle for hire. The rate to be charged for replacement badges shall be determined by the Examiner.

ARTICLE IV OPERATION OF VEHICLE FOR HIRE

Section 1. Improper Operation or Equipment

No person operating a vehicle for hire shall have or permit to be on or in such vehicle or on or about his person anything which may interfere with the proper operation of such vehicle, nor shall any vehicle for hire be operated if it is unsafe or improperly equipped. At no time shall any vehicle for hire be operated when the passengers therein are in excess of its licensed seating capacity.

Section 2. Vehicle for Hire Operator Licensed

No owner or person having the care of a vehicle for hire shall permit, suffer, or allow any person other than an operator licensed by the Examiner to operate such vehicle for hire or reward

Section 3. Record of Trips

The operator of a vehicle for hire shall maintain a written record of trips during all shifts worked. The written record of trips must be available for inspection, upon demand, by a police officer and must be turned in to the vehicle owner for record keeping purposes at the operator's shift. The owner of a licensed vehicle for hire must produce, upon demand of the Examiner, or any person designated by him, a record of all trips made by such vehicle for a period of one hundred eighty days prior to the date of demand, the record to give the name and address of the driver, the time of the beginning and termination of each trip, location of the first and last stop on each trip, and total fare charged for each trip.

Section 4. Hired Vehicles

No person having charge of a vehicle for hire shall take up or carry any passenger after the vehicle has been occupied or engaged by a prior passenger without the permission of the first passenger. In the event subsequent passengers are taken up, the first passenger shall pay the metered fare from the point he was picked up to his drop point, where the meter shall be reset and the subsequent passenger shall be responsible for the metered fare from that point.

Section 5. Soliciting Passengers

No taxicab shall be operated from any place other than a fixed stand or terminal and no taxicab or public automobile shall cruise upon any way for the purpose of soliciting passengers or business.

Section 6. Suspension or Revocation of Operators License

The examiner may suspend or revoke any vehicle for hire driver's license in accordance with these rules and regulations. Upon such suspension or revocation, the holder thereof shall immediately deliver the same to the Examiner. Such license may be reinstated or reissued in accordance with the provisions of these rules and regulations.

Section 7. Conviction of Violation

Any person convicted of a violation of any provision of these rules and regulations shall be punished by a fine of not more than two hundred (\$200.00) dollars for each offense and subject to suspension and a revocation of a license in accordance with these rules and regulations.

Section 8. Passenger Seating

No person in charge of a vehicle for hire shall allow anyone to ride upon the driver's seat, or adjacent to the driver's seat, except when the seats inside the vehicle for hire are fully occupied, and then only when the person so riding is a bona fide passenger, except when the physical condition of the passenger necessitates the use of the front seat.

Section 9. Permitting Illegal Activities

No owner or operator of a vehicle for hire shall participate in, or allow passengers to participate in, any illegal activities.

Section 10. Receipts

Every operator or owner of a vehicle for hire shall, when requested, give the customer a receipt. The receipt must contain the date, starting and ending time, fare, miles traveled in whole miles and tenths of a mile, vehicle for hire license number and the vehicle for hire complaint phone number.

ARTICLE V FARES

Section 1. Fee Schedule

No person shall charge or receive fares for the hire of vehicle for hire within the Town of Barnstable in any sums of money other than those prescribed by the fee schedule promulgated by the Town Manager as from time to time amended.

Section 2. Meters

Every vehicle for hire shall be operated under the taxi meter system. Taxi meters shall be installed and inspected in accordance with the laws of the Commonwealth and the regulations prescribed by the Director of the Division of Standards.

Section 3. Rate of Fare (Taxicab)

The fare to be taken by or paid to the owner, driver, or other person having charge of any taxicab shall be per the following schedule: For the first two-fifths of a mile, two dollars and fifty cents (\$2.50) and for each additional one-fifth (1/5) of a mile or fraction thereof, sixty cents (\$.60). In addition to the mileage charge, a charge for waiting time may be charged at the rate of twenty-six dollars (\$26.00) per hour for actual waiting time beginning three minutes after the arrival of the taxicab. (Effective 6-26-06).

Hand baggage may be carried by passengers without charge. The carriage of trunks shall be optional with the operator of the taxicab, but if carried by the operator, an additional charge of fifty cents (\$.50) for each trunk may be added to the metered fare.

Section 4. Rate of Fare (Public Automobile)

The fare to be taken by or paid to the owner, driver, or other person having charge of any public automobile shall not be less than the following schedule:

Public automobiles shall be operated on an hourly basis with a minimum hourly rate of forty dollars (\$40.00) and a minimum charge of two hours for all trips which are totally concluded within Barnstable County and a minimum of three hours for trips which extend outside of Barnstable County

ARTICLE VI MISCELLANEOUS

Section 1. Amendments

All licenses and permits required by these rules and regulations shall be subject to such terms and conditions as the Town Manager or the Examiner shall from time to time prescribe.

Section 2. Parking Vehicle for Hire on Public Way Prohibited

No vehicle for hire driver, while awaiting employment by passenger, shall stand a vehicle in any public way except at an approved taxi stand.

Section 3. Authority

These rules and orders are adopted under authority of Massachusetts General Laws. Chapter 40, Section 22. Any person convicted of a violation of any provision of these rules and regulations shall be punished by a fine on not more than two hundred (\$200.00) dollars for each offense. These rules and regulations may also be enforced by the method described in Chapter 40 section 2 1D. The penalty when this non-criminal method is used shall be fifty dollars (\$50.00).

Section 4. Police Officers to Enforce

It shall be the duty of the police officers of the town to observe the movements of vehicles licensed under the provisions of these rules and orders and see that all rules and orders are obeyed.

It is ORDERED that the foregoing rules and regulations are to be filed with the Town Clerk of Barnstable and are to take effect as of July 21, 1995. Adopted this 21st day of July, 1995, amended on June 20, 2006 and June 24, 2008.

**John C. Klimm,
Town Manager**