

## TAXICAB REGULATIONS

[Adopted dates, Amended dates]

**Notes: Under the authority of MGL Ch. 40, s.22.**

### **PREAMBLE**

The Board of Selectmen in the Town of Oak Bluffs, Massachusetts, as authorized above, may approve the adoption of regulations relative to the licensing and operation of taxicab services in Oak Bluffs; and may, after providing public notice, conduct hearings to amend the regulations. Any such amendments shall not take effect until published or posted in accordance with the law.

The purposes of these regulations are to serve the public need and convenience and to promote the public health, welfare and safety of the residents of and visitors to the Town.

### **DEFINITIONS**

The following words used in the regulations shall have the following meaning, unless a different meaning is clearly apparent from the language or content:

**ACCESSIBLE TAXICAB** – A Taxicab that is built to accommodate a motorized or non-motorized wheelchair.

**APPLICANT** – Any person, partnership, or corporation who petitions the Town, on a document approved by the Board, for the licensing of a Taxicab business, or for the permitting of a Taxicab vehicle or a Taxicab Operator.

**BOARD** – The duly elected members of the Board of Selectmen for the Town.

**LICENSEE** - Any person, partnership, or corporation approved by the Town to operate a Taxicab business.

**OFFICER** – Any officer duly authorized to make arrests or serve criminal process, provided that he or she is in uniform or displays a badge of office.

**RATE CARD** – A listing of the compensation schedule for a taxi service approved by the Town.

TAXI STAND or STAND – A portion of a Way designated by the Town for the parking of one or more Taxicabs while awaiting hire.

TAXICAB - Any motor vehicle for hire used or intended for use in the conveyance of persons from place to place. Excluded from this definition are livery, charter service vehicles and transportation network company vehicles, all of which are regulated by the Commonwealth of Massachusetts.

TAXICAB BUSINESS OWNER or OWNER – A person, partnership, or corporation licensed by the Town to operate a Taxicab business.

TAXICAB LICENSE – An authorization issued by the Town to a Taxicab Business Owner specifying the number of Taxicabs permitted for that business and authorizing their use per the Town’s Taxicab regulations and the Rate Card under which the business will operate.

TAXICAB OPERATOR or OPERATOR – A person permitted by the Town to drive a Taxicab.

TAXICAB OPERATOR PERMIT – An authorization issued by the Town to a person to operate a Taxicab.

TAXICAB PERMIT – An authorization issued by the Town to a Taxicab Business Owner for a vehicle to be used as a Taxicab.

TOWN – The Town of Oak Bluffs, Massachusetts.

WAY – Any road which the public has the right to use as invitees or licensees.

**Section 1 – Taxicab Business Licenses and Taxicab Permits**

- A. A Taxicab business shall be licensed by the Board and shall comply with MGL, Chapter 62C Section 49A. An Applicant for a Taxicab License shall set forth under oath any and all information that the Board requires. A License shall specify the number of Taxicabs permitted to operate under the License.
- B. The annual fee for a Taxicab License, and for each Taxicab Permit, shall be set forth on the application as approved by the Board, as may be changed from time to time at the discretion of the Board. Proof of vehicle registration with the state and a minimum of

\$100,000/\$300,000 bodily injury insurance, with the Town listed as an additional insuree, shall be presented with the application at the time the fees are paid. Licensee must notify the Board of cancellation, notice of cancellation, change of terms, carrier or policy number of insurance policy within 72 hours of receipt of notice or change.

- C. Taxicab Licenses and Taxicab Permits shall expire annually on April 30<sup>th</sup>. Renewal applications shall be filed between April 1<sup>st</sup> and April 15<sup>th</sup> along with the appropriate fees and Rate Cards. Issuance of a renewed License shall be granted upon such terms and conditions as may be required by the Board at the time of renewal.
- D. Sale, assignment or transfer of a Taxicab License from the Licensee to another party, without the prior approval of the Board, shall automatically terminate said License, which shall immediately be surrendered to the Board.
- E. A Licensee shall notify the Board immediately upon the event of loss, theft or destruction of a Taxicab Permit or a Taxicab Operator's Permit issued by the Town.
- F. A Licensee may make application to the Board for the permitting of additional Taxicabs. Any such Applicant shall appear, after receipt of notice, at a public hearing conducted by the Board. The Town shall provide advanced notification to all other Taxicab Business Owners of the date, time, and reason for such hearing. If the Applicant demonstrates to the satisfaction of the Board that such additional vehicles are necessary to meet the service demands upon the Applicant, or are necessary to remain competitive with other Taxicab Businesses, the Board may add one or more additional vehicles to the Applicant's Taxicab License.
- G. The Board may issue a Licensee up to two (2) additional Taxicab permits for Accessible Taxicabs without the Licensee having to demonstrate a need as required in Section 1F. The Licensee shall agree to operate the Accessible Taxicab seven (7) days a week on demand for eighteen (18) hours per day and agree to provide Operators trained in the use of Accessible Taxicabs and who shall comply at all times with the Code of Federal Regulations Title 49, Section 37.29.
- H. The Board may deny the renewal license of a Taxicab Business that violates the terms of these regulations. The Board shall notify the owner in writing within 30 days, specifying the reason for such denial.

- I. A Licensee shall lease or own office space for conducting the Taxicab business, where the following documents for the current licensed year shall be maintained: Operator trip records, vehicle inspection reports and maintenance and repair records, and records of bodily injury insurance coverage. Upon reasonable request from the Board or Police Department, Licensee shall make available for inspection or present any such documents to the Board or Police Department.
- J. A Licensee shall lease or own sufficient off-street parking for the storage of permitted Taxicabs. Said parking area(s) shall conform to applicable laws.
- K. Should the Board become aware of information indicating that the Taxicab Business Owner no longer meets the terms of his or her Taxicab License, including the conduct of the Owner's Taxicab Operators, the Board may amend or revoke the License or permits authorized thereunder, after a hearing conducted by the Board. The Board may, if circumstances warrant, immediately suspend such License or permits, which may be reinstated or revoked after a hearing conducted by the Board.

**Section 2 – Taxicab Operators**

- A. No person shall operate a Taxicab permitted by the Town unless permitted as a Taxicab Operator by the Police Department.
- B. A person seeking a permit to operate a Taxicab shall be at least 18 years of age, be licensed by the Commonwealth to operate such Taxicab, and have at least one year of driving experience in the United States or similar verifiable experience satisfactory to the Police Department.
- C. An application for a Taxicab Operator Permit shall be filed with the Police Department along with payment of a non-refundable application fee and two (2) passport photographs of the Applicant for Town records and inclusion in the Operator's permit.
- D. Upon receiving a complete application, within three (3) days the Police Department shall conduct a background inquiry and decide either to issue or deny the Taxicab Operator permit. If denied, the Police Department shall specify in writing the reason for denial. The Applicant may request a hearing before the Board to appeal the denial.
- E. The Police Department shall deny an Applicant a Taxicab Operator Permit for the following:

1. Admission of sufficient facts or conviction of a felony that involved violence towards another person.
  2. Admission of sufficient facts or conviction of a felony within the last five (5) years.
  3. Admission of sufficient facts or conviction of a misdemeanor within the last three (3) years that involved violence towards another person.
  4. History of misdemeanors judged by the Police Department to warrant denial.
  5. Admission of sufficient facts or conviction within the last three (3) years of operating a motor vehicle under the influence of alcohol or drugs.
  6. Driver's license suspension for a moving violation within the last three (3) years.
  7. Five (5) or more traffic citations within the last three (3) years.
  8. Driving history judged by the Police Department to demonstrate a prevalence to violate traffic laws.
  9. The Applicant is under currently under court supervision.
  10. Other reasonable grounds to cause the Police Department to deny the application.
- F. A Taxicab Operator Permit expires annually on April 30<sup>th</sup>. Application for renewal must be filed between April 1<sup>st</sup> and April 15<sup>th</sup>, along with the appropriate application fee. The issuance of such renewal permit may be granted upon such terms and conditions as may be required by the Board at the time of renewal.
- G. An Operator shall conduct him or herself in a courteous and professional manner at all times, and shall at all times be dressed in a neat and clean fashion wearing a collared shirt with no advertising, images or logos other than that of the shirt manufacturer, and wear either shoes or sneakers. Operators may not smoke in their vehicles.
- H. An Operator shall not stop in the roadway or engage in any activity which impedes the movement of vehicular or pedestrian traffic on a public Way and shall comply with all provisions relative to the operation of motor vehicles under MGL Ch. 89 and Ch. 90.
- I. An Operator shall not operate a Taxicab unless such Taxicab clearly displays in plain view of the passenger(s) the documents as described herein: Taxicab Permit, Taxicab Operator Permit with picture of Operator, business contact information, and the Rate Card filed with the Police Department.

- J. An Operator shall not charge or attempt to charge any rates of fare anywhere on Martha's Vineyard in excess of such rates as filed with the Police Department, and shall not allow a Rate Card with erroneous information to be displayed.
- K. Should the Police Department become aware of information indicating that the Taxicab Operator no longer meets the terms of his or her Operator's Permit, the Police Department may immediately take possession of and suspend such Permit, which may be reinstated or revoked after a hearing conducted by the Board.

**Section 3 – Taxicab Conditions**

- A. Taxicabs shall comply with all provisions relative to the operation and equipping of motor vehicles under MGL Ch. 89 and Ch. 90, any bylaw of the Town, and any rule or regulation promulgated by the Massachusetts Registrar of Motor Vehicles.
- B. Taxicabs are subject to periodic inspections by the Police Department throughout the year to determine fitness to serve the public and compliance with the regulations.
- C. Taxicabs shall be well-maintained and be in good and reliable condition. Taxicabs shall be clean inside and outside and be well-painted. All wheels of said Taxicab, if so designed, shall be covered with hubcaps.
- D. The exterior of a Taxicab shall display three types of identification that shall be clearly legible through the use of character size, spacing and color, in addition to any specifications cited below.
  - 1. The name of the Taxicab business to which a Taxicab is permitted shall appear on both the driver and passenger sides.
  - 2. "Oak Bluffs" or "OB" shall be displayed on the rear of a Taxicab in letters at least three (3) inches in height.
  - 3. A unique number assigned to a Taxicab distinguishing it from other Taxicabs of a Taxicab business shall be displayed on both sides and the rear of a Taxicab in characters at least three (3) inches high.
  - 4. Except for contact information such as a phone number or website, a Taxicab's exterior shall contain no other advertisements of any description, nor be visible from the exterior of a Taxicab.

- E. Any violation of this Section may result in a fine and/or suspension of the permit to operate the Taxicab, such suspension not to be rescinded until said violation is corrected to the satisfaction of the Police Department.

**Section 4 – Taxicab Stands and Stopping Places**

- A. A Taxicab Operator shall park, stop, or stand on a public Way only where designated by the Town for such use, or as otherwise authorized or instructed by an Officer.
- B. Notwithstanding Section 2.H. of these regulations, when loading or discharging handicapped or elderly passengers, a Taxicab Operator may reasonably impede the movement of vehicular or pedestrian traffic on a public Way, unless otherwise prohibited by an Officer.
- C. Any area designated by the Town for use as a Taxicab Stand shall be equally available to any Taxicab licensed by the Town. A Taxicab Operator may at any time stop and take a position in a vacant slot in a Stand, subject to the following:
  - 1. Taxicabs from the same business shall not occupy more than one space in any particular Taxicab Stand, with the exceptions of slot #6 located at the Steamship Authority and at the Stand at the Island Queen. These slots may be occupied by a Taxicab from a business already occupying one of the other five slots unless a Taxicab from a sixth business not represented in any of the slots arrives, at which point the slot #6 shall be relinquished to the Taxicab from the sixth business.
  - 2. The occupation of the Taxicab Stands by an Operator shall be determined on a first-come first-served basis.
    - 2.1. Special procedure for the Steamship Authority Taxicab Stands. The spaces designated as Slot #1 and #2 are on a rotation system so that Taxicabs from businesses occupying Slot # 1 and # 2 for one boat do not occupy them at the next scheduled boat. However, if slot #1 or #2 is not occupied by a Taxicab from an eligible business 30 minutes before a ferry arrival, the slot becomes open to any Taxicab. Freight boats do not count in the rotation.
    - 2.2. A Taxicab Operator approached for a local fare while waiting for the ferry arrival may call another Taxicab from that business, after first offering the fare to the Operators from other businesses present. If a Taxicab cannot be provided within five (5) minutes, the Taxicab in the last slot must take the fare.

3. Taxicab Operators shall not act in collusion with the intent to deprive an Operator for a competitor taxicab business from occupying a Taxicab Stand. The departure from a Taxicab Stand space of a Taxicab followed by the immediate arrival and reoccupation of the same space by a second Taxicab licensed for the same taxicab business shall be considered a violation.
  4. A Taxicab Operator shall be the sole person to solicit for fares for his or her Taxicab and shall remain within six (6) feet of said Taxicab while doing so.
  5. A Taxicab Operator shall not interfere with the fare solicitation and transactions of another Operator.
  6. A Taxicab Operator shall not leave the Taxicab parked in a Taxicab Stand unattended for more than ten (10) minutes.
  7. A Taxicab Operator shall not "stage" on public property while waiting for a Taxicab Stand to become available, unless otherwise directed by an Officer.
  8. A Taxicab shall not occupy a Taxicab Stand unless the entire length of such Taxicab is positioned within the borders of the defined pavement markers.
- D. A Taxicab Operator may make use of designated loading zones for a period of not more than five (5) minutes in order to stand in wait for a prearranged fare or to leave the Taxicab when it is necessary to locate a prearranged fare. When using a loading zone, an Operator shall post on the Taxicab's dashboard a prearranged fare sign stating the surname of the prearranged fare and the number of passengers in the party.
- E. A Taxicab shall not occupy a public parking space unless the Operator declares the Taxicab "Not in Service" by the posting of a sign stating such on the dashboard of said vehicle.
- F. An Officer may, when necessary for public safety or convenience, direct any Taxicab Operator to pick up passengers for transport to their destination. The Officer shall first attempt to utilize a Taxicab permitted by the Town.

### **Section 5 – Complaints**

- A. Any complaint alleging the violation of a regulation or law by a Taxicab Owner or Taxicab Operator shall be reduced to writing and signed by the complainant.



- B. The police department shall investigate any such complaint and shall report its findings to the Board.
- C. The Board may hold a hearing on a complaint to determine what action, if any, it may take. The complainant or representative and the Owner or representative shall attend. The Board may suspend or revoke an Owner's Taxicab License or Taxicab Permits, a Taxicab Operator's Permit, or take any other action. Any decision rendered by the Board shall be final but may be appealed as provided by law.

**Section 6 – Non-Criminal Disposition of Violations**

- A. Whenever an Officer has reasonable grounds to believe that a Taxicab Owner, a Taxicab vehicle, or a Taxicab Operator is in violation of the regulations stated herein, then such Officer may issue a written violation notice to any offender, as provided in MGL Chapter 40 Section 21D.
- B. Unless otherwise provided herein, a fine in the amount of \$100.00 shall be assessed for the first offense and a fine in the amount of \$200.00 shall be assessed for each subsequent offense.
- C. Offenders of the following violations, whether or not licensed or permitted to operate by the Town of Oak Bluffs, shall be fined as stated:
  - 1. The operation of a taxicab business without a Taxicab License from the Town: \$300.00 per day,
  - 2. The operation of a Taxicab without a Taxicab Permit: \$100.00 per day.
  - 3. The failure of an Owner to maintain a Taxicab in sound mechanical condition: \$100.00 per day.
  - 4. The failure to display "Oak Bluffs" or "OB" on the rear of each Taxicab: \$100.00 per day.
  - 5. The display of for-profit advertising on the exterior of a Taxicab: \$100.00 per day.
  - 6. The failure of an Owner or Operator to clearly post the Rate Card in each Taxicab: \$100.00 per day
  - 7. The charging of, or the attempt to charge or solicit, a fare in excess of the compensation stated on the Rate Card: \$100.00 per offense.
  - 8. The failure of an Owner to submit a Taxicab for inspection: \$100.00 per day.

9. The failure of an Operator to obey the lawful request of an Officer: \$100.00 per offense.
10. An Operator cruising for fares within the Circuit Avenue business district, or within 100 feet of a public transportation stop shall be fined \$100.00.