

City of Salem, Massachusetts



"Know Your Rights Under the Open Meeting Law, M.G.L. c. 39 §23B, and City Ordinance Sections 2-2028 through 2-2033."

The City Council Committee on Ordinances, Licenses & Legal Affairs

met in the Council Chamber on Thursday, April 19, 2012 at 6:30 P.M.

for the purpose of discussing the matter(s) listed below. Notice of this meeting was posted on April 13, 2012 at 11:19 AM.

(This meeting is being recorded.)

ATTENDANCE

ABSENT WERE: O'Keefe

SUBJECT(S)

698A - Taxi Ordinance Amendment

489 - Temporary Suspension of Fortunetelling Licenses

c/ McCarty move to lift the moratorium after the passage of ~~the ordinance~~ ^{of the ordinance}
c/ McCarty move to lift the moratorium after the main Fortune telling ordinance receives 2nd passage.
c/ Sargent Succeeded.

*N Yea
1 Absent.*

Passes.

698A - Change Title to Taxicabs and Vehicles for Hire
Add definition to NY-31 ^{NY} defining ~~INTRA-CITY~~ ^{OUT OF} ~~TRIP~~ ^{TRIP} fare + ~~TRIP~~ ^{TRIP} fare
NY-38 Meters - not odometers

Stuck in traffic time charges.
NY-32. Dispatch Center add (REGIONAL)
Variable Meters.
Doubling up. P-modify.

Summary: as follows

Motion to remain in committee.

Both Renewed to make changes as debated.

Meeting to take place April 26th @ 6:30 pm

✓ M'Carthy moved to P. I. C.

✓ Sargent second.

4 yea

1 absent

passed.

On the motion of C.

Sargent

the meeting adjourned at 9:17 P.M.

Michael Sargent

(Chairperson)

April 19, 2012

ARTICLE II. TAXICABS + VEHICLES FOR HIRE

Sec. 44-31 - Definitions

The following words, terms and phrases when used in this ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning

(1) Taxi: Every marked motorized vehicle used for the transportation of persons from place to place within the city or originating within the city for hire, excepting public carriers and vehicles used in funeral procession or parades. A taxi may carry eight or less passengers; is operated for hire; does not pickup, transport, or discharge passengers along a pre-determined route; and must display a roof beacon marked "Taxi," Registry of Motor Vehicle-issued taxi plates, and City-issued decal (medallion). A livery shall not be used as a Taxi.

(2) Livery: An unmarked limousine or other vehicle, which is not a taxi, may carry 15 or fewer people including the driver, carries passengers for hire, on exclusive dedicated basis for a set duration, for business, courtesy, employee or customer shuttle, is hired by a charter for a minimum thirty dollar fare on a transportation basis prearranged twelve hours in advance and required to display a livery plate.

(3) Limousine: An unmarked luxury sedan, SUV or van operated for hire on an exclusively dedicated basis for the duration of an event on a prearranged hourly basis.

Sec. 44-32 - Vehicle License

A) Required: No person shall operate any taxicab, livery or limousine upon any public way or pickup passengers in the city and discharge them within the city limits unless such is licensed as provided in this article. The city council shall not approve the issuance of more than 35 taxicab licenses for every 50,000 inhabitants.

B) Application Generally: Application for such business and/or vehicle license shall be made to the police traffic division. The application shall set forth, under oath, such information as the police traffic division may from time to time require. Such application will verify an office dispatch center, at a location zoned for such business in accordance with the city's zoning ordinance, which contains sufficient designated parking for each vehicle licensed. The police traffic division shall then notify the city council of the application. The city council shall review the application and vote to approve or deny the issuance of the license. Upon city council approval, the city clerk shall notify the police traffic division of the council's action, and the police traffic division shall be empowered to issue all licenses and decals in accordance with this article.

C) Fees: The fee for a taxicab license shall be \$50.00 for each vehicle so licensed. The fee for a decal shall be \$100.00. The fees shall be paid to the police traffic division and the fees shall not be refundable.

D) New Applications: New applications for all licenses shall be made on official forms provided by the police traffic division, containing all information therein required, and such taxicabs shall be examined and reported on by the police traffic division. Applications may be filed with the police traffic division at any time, and an application for the renewal of a license already in force shall be filed annually on or before December 1. All licenses shall expire on December 31 annually.

E) Sale; Transfer; Requirements for Issuance: The regulations for the sale, transfer and issuance of taxicab licenses shall be as follows:

1) Sale; Transfer; Fee: No taxicab license or permit provided for in this article shall be transferred to another taxicab within the same company without first obtaining the consent of the police traffic division in writing. Licenses transferred shall be recorded on original forms provided by the police traffic division. No transference within the same company shall be approved until the taxicab has passed an inspection performed by an inspection station licensed by the commonwealth, designated by the police traffic division, or the commonwealth registry of motor vehicles. The inspection shall be done at the cost to the owner. The fee for the transfer shall be \$50.00. Any transfer of a taxicab license done

without first obtaining the written consent of the police traffic division shall result in the license being seized by the police traffic division.

2) Ceasing Ownership: Any licensee whom shall cease to be the owner of a taxicab company shall at once surrender all taxicab licenses to the police traffic division. The police traffic division shall forthwith remove the license decal from each vehicle.

3) Ineligibility for License: No person shall be licensed to be an owner who is not the age of 21 years of age or over or who has had an under the influence of drugs or alcohol conviction or dispositions under MGL c. 90 within the past five years or the equivalent in any jurisdiction.

4) Unfit Vehicles: The police traffic division shall refuse to issue a license for or, if already issued, shall revoke or suspend the license of any taxicab found to be unfit or unsuited for public patronage. Upon the revocation or suspension of a license, the license shall be surrendered to the police traffic division.

5) Insurance: No such permanent license shall be issued until the applicant has deposited with the police traffic division a policy of insurance issued by an insurance company authorized to transact business specified in the M.G.L.A. c. 175 § 47, covering the motor vehicle to be operated by the applicant under his license confirming to the provisions of M.G.L.A. c. 175, § 112 and 113. The insurance policy required by this section shall be at a minimum to the amount or limit of at least \$100,000 on account of injury or death of each person, and at least \$300,000 on account of each accident resulting in injury or death of more than one person. It shall also contain the same limits of liability; coverage "B" as defined in the standard form of insurance policy issued in this commonwealth and it shall also contain, to the limit of liability of \$25,000 for each accident, property damage liability as defined in the standard form insurance policy. Such license will not be issued prior to the police traffic division receiving a certificate from the insurance company issuing the policy stating that the policy shall not be cancelled until 15 days after receipt by the police traffic division of written notice of cancellation.

All taxis, liveries and limousines shall be required to carry the same minimum level of insurance.

6) Inspection:

(A) No such license shall be issued until a vehicle is inspected in regard to the safety of passengers and the general public, mechanical condition and general appearance, and all taxicabs licenses shall be inspected to meet these requirements biannually, once in December and once in June. The police traffic division will have the authority to request a random inspection of any licensed vehicle at any time. All inspections are to be at cost to the owner. The inspections shall be performed by the commonwealth registry of motor vehicles or an inspection station, licensed by the commonwealth, designated by the police traffic division. If a taxicab licensed by the city fails to meet safety requirements imposed by the commonwealth registry of motor vehicles, mechanical requirements or general appearance requirements, the taxicab license shall be subject to immediate suspension at the discretion of the police traffic division. The suspension shall remain in effect until the taxicab has been repaired and re-inspected or until a hearing before the city council committee on licenses, ordinances and legal affairs reinstates the license.

(B) Any vehicle licensed as a vehicle for hire shall be subject to immediate inspection of the vehicles required log books and/or contracts for services by any police officer or licensing authority.

7) Name; Logo:

(A) All trade names and/or logos used by licensed owners shall be approved by the city council.

(B) All licensed taxicabs must have permanently affixed lettering and numbers showing the company name and phone number visible during daylight hours from a distance of 100 feet on both sides of the vehicle.

(C) All licensed taxicabs shall have a permanently affixed yellow or white roof beacon attached to their taxicab roof. Roof beacon shall be lettered "TAXI" and shall be illuminated when vehicle's exterior lights are on.

8) Annual Grant; Decal: The city council shall, in accordance with law, annually grant taxicab licenses to suitable persons who are owners of such vehicles. At all time the company shall maintain a dispatch office center in an area zoned for such use. Dispatch office center will be manned during all hours of operation and contain a business phone, VHF or digital base radio, and fare spread sheets, and adequate private parking for each licensed taxicab. The owner or one member of the firm or corporation shall also, at all times, carry a valid city taxicab operator's license. No license granted under this article shall apply to any vehicle except the particular one designated on the license. A license decal shall be issued with the license, which shall be affixed to the rear of the vehicle, the license decal shall display information particular to the vehicle to which it is issued.

9) Storage of Vehicles: No license pursuant to this article shall be issued to any vehicle that is not stored on properly zoned, private property.

10) Sale or Junking of Vehicles: Upon the sale or junking of a licensed vehicle, the owner of the vehicle shall contact the police traffic division, which shall remove the decal from the vehicle, and the owner shall forthwith surrender the license.

11) Tampering with Decal: No person, other than an officer of the police traffic division, shall remove a license decal from a licensed vehicle, nor shall any person alter, deface, or modify such decal or the license.

12) Revocation of License or Decal: The police traffic division shall be empowered to forthwith revoke or seize any license or decal for violation of any of the sections of this article or of the commonwealth general laws. The police traffic division shall forthwith notify the city council of any revocation. Any license or license decal seized under any conditions shall only be reinstated pending a hearing before the city council committee on ordinances, licenses and legal affairs.

Sec. 44-33 – Reserved.

Sec. 44-34 – Operator's (Hackney) License:

A) Required: No individual shall operate a taxicab without having received a hackney license from the city.

B) Application; Qualifications of Applicant: No owner or person having charge of management of a taxicab shall employ or permit or allow any person to drive the taxicab, and no person shall drive the taxicab other than a person thereto licensed by the city council. Applicant will purchase one forty dollar application from the city clerk. The city clerk shall affix a stamp showing the applicant to have a valid driver's license, have an original United States birth certificate, alien card, asylum document, US passport or naturalization papers, a, be 18 years of age or older and showing applicant to owe no financial debt to the city. Applicant will take the application to the police traffic division. The applicant will pay a fee of \$20.00 to the police traffic division along with two passport photos. The police traffic division will perform a criminal record check, attach a recommendation for approval or denial and submit the application to the city council. The police traffic division shall have the authority to issue one 60-day temporary hackney license at their discretion. The city council will then vote to approve or deny the application. All application fees shall be nonrefundable. In the event of denial, the applicant shall have the right to a cost-free hearing before the city council.

C) Fee; Term: The fee for a taxicab operator's annual license shall be \$20.00. Such license shall expire on December 31 annually. Taxicab driver license renewals must be filed with the city clerk and police traffic division prior to December first.

Sec. 44-35 – Accessibility of Licenses:

- A) Copies of all licenses shall be maintained and available at every taxi company's office dispatch center.
- B) Every driver having charge of a taxicab shall have a copy of taxicab hackney license prominently displayed in view of all fares.

Sec. 44-36 – Reserved

Sec. 44-37 – Communication of Fares; Receipts:

- A) No owner or driver of a taxicab shall charge any passenger any higher rates for any service than those that are fixed by the city council. The rates may be changed at any time by the city council.
- B) Upon the customer being seated in the taxicab, the operator of the taxicab shall call in over the required two-way radio all relevant fare information such as pickup address, discharge address, number of persons, stops requested, and number of articles.
- C) Every taxicab shall have displayed an ample supply of receipts. The receipt shall contain the company name, the company phone numbers, the date, the name of the driver, the address of pickup, the address of discharge, the fare collected, the tip collected, and the form, of payment. At the request of any customer the driver shall issue a completely completed receipt.

Sec. 44-38 – Fares Established

Add Meters (not odometers)

The minimum and maximum rates of fares to be charged by taxis licensed pursuant to the article shall be:

- 1) Nine-tenths of one mile or fraction thereof \$5.00
- 2) Each additional one-fifth mile \$0.50 *.25*
- 3) Each additional passenger over two \$0.50 per ride
- 4) Any person fifty-nine (59) years of age or older, with proper identification, shall receive a discount of twenty (20) percent off the amount registered on the taximeter.
- 5) The fixed rate for waiting time shall be twenty dollars (\$20.00) per hour, five dollars (\$5.00) for every fifteen (15) minutes or portion thereof. Waiting time shall mean the time consumed while the taxicab is not in motion at the direction of the passenger, provided however, no charge shall be made for time lost through traffic interruptions or for delays caused by the inefficiency of the taxicab or its driver.
- 6) Hourly rental of taxis shall not follow any city-mandated rate structure. Hourly rates shall be set by agreement between the fare and the taxi company.
- 7) Any fares with items to be stored in the trunk may be charged no more than: \$.20 per grocery bag, \$.50 per box or luggage, \$1.00 per bicycles, and \$2.00 for an item over 20 pounds. There may be no charge for medical necessities such as wheelchairs or walkers.

Sec. 44-39 – Delivery of Found Articles: Every driver having charge of a taxicab shall deliver any article left therein by any passenger to the dispatch office. The dispatch office shall be required to securely store any such articles for 30 days. Articles not claimed shall be delivered to the police department. Any article not claimed at the police department for one year shall become the property of the taxicab company.

Sec. 44-40 – Reserved

Sec. 44-41 – General Operating Standards:

- A) Prior to any pickup, every taxicab will be smoke- and odor-free.
- B) No taxicab shall be stopped to take on or discharge passengers at any place on any street except at the curb on the correct side of the street.
- C) Every driver of any licensed taxicab shall report to his dispatcher any suspicious actions of the passengers or dangerous conditions that he may observe. Dispatcher is required to relay such information to the police department.
- D) Every taxicab must keep in the vehicle an up-to-the-minute log waybill. The log waybill must contain the name of the driver, the date, the hours started and finished, beginning and ending mileage, the vehicle number, the pickup and discharge address of each fare, and the price collected for each fare. Copies of the waybills are to be turned into the dispatch office at the conclusion of each shift. Dispatch office shall be required to keep and maintain waybills for a period of thirty (30) days.
- E) All drivers shall, except when a passenger directs otherwise, transport passengers via the most reasonable, direct route to the passenger's specified destination.
- F) Every taxicab shall be equipped with a two-way radio dispatch communications system. Said dispatch communications system shall be used to receive and dispatch fares from its dispatch center.
- G) Cellular telephones may not, at any time, be used to dispatch taxicabs.
- H) No advertising may appear on a taxicab without prior approval from the city council and the Salem Police Department.
- I) The driver of a taxicab shall not refuse transportation to any person except when:
 - 1) a person is loud or disorderly
 - 2) 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) the person represents a threat to the safety of the driver or to the driver's ability to drive the vehicle in a safe manner
 - 3) a person is unconscious and placed in the vehicle by others
 - 4) to do so would constitute assisting in a crime
 - 5) **When a passenger emits an offending odor.**
Driver's must report any refusal to transport to the dispatch center who shall make a written report of such refusal to transport and maintain such report for no less than thirty (30) days.
- J) Animals: At the driver's discretion, a driver may accept or refuse a fare when such person is escorting an animal except if:
 - 1) 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/or the interior of the taxicab.

- 2) The person is blind, deaf or otherwise disabled and is accompanied by a properly harnessed service dog.
- 3) No charge shall be made for transporting an animal if accompanied by such a passenger.

- K) No person other than the licensed driver shall ride or sit in the front seat 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.
- L) A driver shall not knowingly operate a taxicab that is unsafe for passenger service.
- M) Every driver having charge of a taxicab shall have with him a copy of these rules and regulations to be shown to a passenger on request.
- N) Every driver having charge of a taxicab shall be suitably dressed, neat and clean in appearance.
- O) No person licensed to operate a taxicab or taxi business or dispatch shall behave in a rude and disorderly manner or use any indecent, profane, or insulting language towards any person.
- P) Taxicab drivers are allowed to perform only one fare at a time unless all parties agree to sharing a taxicab going in the same direction and any stop is en route. A passenger must have the option presented to him or her to not share a taxicab.

Sec. 44-43 - Any person, driver, dispatcher, manager, or owner violating any section of this article, exclusive of Sec.44-44, shall forfeit and pay a fine not exceeding \$100.00 for each offense and may, in addition to such penalty, be subject to suspension or forfeiture of his license and may be disqualified to hold a license thereafter. This section shall be enforced by the police department.

Sec. 44-44 - Any livery and/or limousine operator observed operating as a taxicab, as defined in this article, shall pay a fine of \$300.00 for each offense. Each fare transported in violation of this ordinance shall constitute a separate offense. This section shall be enforced by the police department.

Sec. 44-45 - All owners and drivers of taxicabs shall be subject to such further rules, orders and regulations as may be set forth by the city council or the police traffic division.

TAXI FARE SURVEY - MARCH, 2012

CITY	UPDATED	1/2 MILE	1 MILE	1 1/2 MILE	2 MILES	2 1/2 MILES	3 MILES	SR. DISC.
BEVERLY	2004	\$4.00	\$4.50	\$5.25	\$6.00	\$6.75	\$7.50	20%
DANVERS*	2012	\$4.00	\$4.00	\$4.50	\$5.00	\$5.50	\$6.00	0%
LYNN	2008	\$4.75	\$4.75	\$6.25	\$7.75	\$9.25	\$10.75	25%
PEABODY***	2012	\$4.25	\$5.25	\$6.00	\$8.00	\$9.00	\$10.50	25%
SALEM**	2010	\$5.50	\$5.50	\$5.50	\$5.50	\$5.50	\$5.50	20%
AVERAGE ALL		\$4.50	\$4.80	\$5.50	\$6.45	\$7.20	\$8.05	18%
AVG BEV, LYNN, PEABODY		\$4.33	\$4.83	\$5.83	\$7.25	\$8.33	\$9.58	\$0.23
PROPOSED	2012	\$5.00	\$5.50	\$6.50	\$8.00	\$9.00	\$10.50	20%
BEVERLY		\$4.00 First 6 tenths; .25 each extra one/ fifth mile (or 2/10) \$4.00 First Mile; .25 each quarter mile \$4.75 First Mile; .75 each extra / quarter mile (includes \$1 gas surcharge) Rates set by zones						
DANVERS								
LYNN								
PEABODY								
SALEM CURRENT		\$5.50 All rides (This rate expired 1/1/12. Reverted to \$4.50)						
SALEM PROPOSED		\$5.00 First 9 tenths; .50 each extra / fifth mile						

* Taxi operators report that they are not licensed in Danvers and may charge a fee negotiated with passenger.

** Based on rate with \$1 fuel charge

*** calculation by taxi driver

ORDERED:

That the Salem Licensing Board is hereby authorized to resume accepting applications and issuing licenses for fortunetelling pursuant to City Ordinance Chapter 14, such licenses which were temporarily suspended from issuance by City Council Order #489, adopted July 14, 2011.

#489



CITY OF SALEM

In City Council, July 14, 2011

Ordered: That the issuance of fortunetelling licenses by the Salem Licensing Board, as allowed for under Chapter 14, Division 2, Fortunetelling, Astrology, etc., of the Salem Code Ordinances, be temporarily suspended to allow the City Solicitor to make recommendations amend the ordinance. Further, that the Solicitor report back to the Committee by September 2011 with said recommendations; and that the matter be referred to the Committee on Ordinances, Licenses and Legal Affairs for its review and recommendation to the City Council.

In City Council July 14, 2011
Adopted

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK

#489



CITY OF SALEM

In City Council, July 14, 2011

Ordered: That the issuance of fortunetelling licenses by the Salem Licensing Board, as allowed for under Chapter 14, Division 2, Fortunetelling, Astrology, etc., of the Salem Code of Ordinances, be temporarily suspended to allow the City Solicitor to make recommendations to amend the ordinance. Further, that the Solicitor report back to the Committee by September 1, 2011 with said recommendations; and that the matter be referred to the Committee on Ordinances, Licenses and Legal Affairs for its review and recommendation to the City Council.

In City Council July 14, 2011
Adopted

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK



CITY OF SALEM

In City Council,

Ordered:

ORDERED:

That the Salem Licensing Board is hereby authorized to resume accepting applications and issuing licenses for fortunetelling pursuant to City Ordinance Chapter 14, such licenses which were temporarily suspended from issuance by City Council Order #489, adopted July 14, 2011.