

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 coposted _____ with the Committee of the Whole _____ met in the Council Chamber on _____ Thursday, April 26, 2012 _____ at 6:30 _____ P.M. for the purpose of discussing the matter(s) listed below. Notice of this meeting was posted on _____ April 19, 2012 _____ at 5:34 P.M.

(This meeting is being recorded.)

ATTENDANCE

ABSENT WERE: _____

SUBJECT(S)

Granting certain Licenses (Tag Days)

#146 - Noise Ordinance relative to Loud Parties (COPOSTED MATTER)

#698A - Taxi Ordinance Amendment (OLLA ONLY)

TAG DAYS c/B.M. Motion to approve
c/J.O. 2nd

5 Yea 0 Nay - - - passed

#146 c/J.O. Motion to approve increases in fines as proposed.
c/R.S. 2nd

5 yea - 0 - Nay - - - passed.

c/J.O. Motion to have city solicitor draft an ordinance
A.S. 2nd

for Keeper of an Disorderly House
and

5 Y / 0 Nay = passed!

(OVER)

678 A

T.S.

Remain in committee - The city solicitor is
and that the meet w/ cab c

c/ ~~F.O.~~

Move to approve at ~~the~~ passage.

c/ J.O.

~~2nd~~

5Y - ON - passed

On the motion of C. O'Hara

the meeting adjourned at 7:15 P.M.

[Signature]

(Chairperson)

APRIL 12, 2012

PETITIONS

The following license applications

PUBLIC GUIDE

Nichole Clarke, 28 Howard St., Salem
Daniel Minkle, 54 Derby St., Salem

over
over

TAG DAYS

S.H.S. Concert and Jazz Band, June 2, 2012
S.H.S. Girls Track, June 9, 2012

ok
ok

Action Contemplated

Councillor Sosnowski

Moved refer to the Committee on Ordinances,
Licenses & Legal Affairs

Voted

The following license applications

LIMOUSINE

Jose Baez, 29 Perkins St., Salem

(1)

PUBLIC GUIDES

Barbara Dempsey-West, 181 North St., Salem
Heather Allen, 42 W. Baltimore St., Lynn
Victoria McKillop, 568 Bay Rd., Hamilton
Michael Vitka, 28 Howard St., Salem
Jeffrey Foley, 128 Bridge St., Salem
John Goff, 194 Lafayette St., Salem
Kiki Kneeland, 1 Cordis St., Charlestown
Kimberly Shields, 26 Walter St., Salem

TAXI OPERATORS

Dijware Sheikhou, 14 High St., Salem
Jaime Lopez, 92B Green St., Lynn
Rafael Pena, 373 Chestnut St., Lynn
Jorge Peralta, 8 Ropes St., Salem
Juan Toribio, 43 Prince St., Salem
Jose Fabian, 14 Mason St., Salem
Henry Pacheco, 105 Congress St., Salem
Miguel Castro, 32 Palmer St., Salem
Johnny Fabian, 16 Mason St., Salem
Pedro Pacheco, 72 Palmer St., Salem

Action Contemplated

Councillor Sosnowski

Moved Granted

Voted

#146



CITY OF SALEM

In City Council, March 8, 2012

Ordered: That the Committee on Ordinances, Licenses and Legal Affairs co-posted with Committee of the Whole meet to discuss and review the Noise Ordinance and make changes needed to help control quality of life issues in the various neighborhoods and that the following be invited: representative from the Police Department specifically the CIU, Health Agent and City Solicitor.

In City Council March 8, 2012
Adopted

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK



SALEM POLICE DEPARTMENT

95 Margin Street
Salem, Massachusetts 01970

Community Impact Unit
Special Operations Division

February 28, 2012

Michael Sosnowski
Chairperson
Licenses, Ordinances and Legal Affairs
Salem City Hall
93 Washington Street
Salem, MA 01970

Councilor Sosnowski,

Since the inception of the Community Impact Unit we have taken on the task of dealing with the quality of life of residents in various neighborhoods in the city. One of the biggest and time consuming areas for the police department is the repeat calls for service to the same addresses for disturbances and loud parties. Several years ago the City Council adopted a Noise Ordinance that includes a subsection for Hosting a Loud Party. When this ordinance was adopted there was a fine structure included for violations. The fine structure is;

First offense - \$50.00

Second offense – fine up to \$100.00

Third offense and thereafter, a mandatory fine of \$100.00

Based on calls for service and the number of City Ordinance Violations Issued since October of 2007 I would suggest that the current fine structure is not achieving its desired effect. I conducted a statistical analysis of the CAD for Violation of the Noise Ordinance. This analysis revealed that the police department responded to and issued 332 City Ordinance Violations for violating this ordinance. A great number of these violations were served at the same address and or to the same person and the fines in a majority of these violations have been paid. I would suggest that members of the Community Impact Unit go before the City Council Committee on Ordinance, Licenses and Legal Affairs in order to have the committee amend the fine structure for this ordinance. It is my opinion that a new fine structure could make an impact and reduce the calls for service to some of the repeat addresses that we continually respond to for loud parties. I would suggest a fine structure similar to the City of Beverly, Beverly wrote their Noise Ordinance based on the one that we have in place with a substantial increase in the fine structure. The new fine structure I would propose would be;

First offense - \$100.00

Second offense - \$200.00

Third and subsequent offense - \$300.00

It is my opinion that when the Noise Ordinance was originally drafted the fines were in line with the times, but it is my opinion based on the calls for service and the number of repeat calls to the same address and violations issued to the same individuals I believe that there has to be a modification to the fine structure in order to reduce the calls for police service.

Furthermore I would suggest that we bring forward a motion for the adoption and creation of a Disorderly House Ordinance based on Massachusetts General Law Chapter 272, section 53. This ordinance could be used in lieu of taking out a criminal complaint for Keeper of a Disorderly House. The ordinance would be comprised of the same elements of the statute under C.272, S.53. A fine structure could be created similar to the Noise Ordinance, but the fines would be enhanced because the property owner and or tenant would first be put on notice of the ongoing problems at the property and be given an opportunity to address and remedy the problems. The fine structure for this ordinance would be;

First offense - \$200.00

Second offense - \$250.00

Third offense – Mandatory Criminal Complaint under Massachusetts General Law

Since the inception of the Community Impact Unit we have issued 55 Disorderly House Notifications some of these notifications were for repeat addresses and 99 percent of the time the property owner addresses the problem through eviction or other remedy. There has been only one such incident where we have actually brought forward a criminal complaint, that matter is schedule for a hearing later this month. However, we have started a new practice when dealing with a disorderly house. We are now putting the property owner and tenant on notice that their property/apartment has been identified as a disorderly house and they are subject to a criminal complaint if the activity and complaints continue. It is my opinion that if there is an ordinance in place we would be able to issue violations sooner than going forward with a criminal complaint. It is my opinion that the new ordinance and enhanced fines would assist the police department in responding to the same locations repeatedly for disturbance related calls for service. This would effectively improve the quality of life for the residents that have to endure the activity from residents residing in multi-family dwellings.

Respectfully submitted,

Harry Rocheville

Sergeant

Community Impact Unit

Salem Police Department

ARTICLE II. MOTORIZED VEHICLES FOR HIRE TAXICABS LIMOUSINES AND LIVERIES

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, equipped with a meter to measure distance traveled, 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, picking up and discharging passengers within the city limits, unless such is licensed as provided by city ordinance, excluding fares that originate or terminate outside of the city limits. The city council shall not approve the issuance of more than 35 taxicab and 35 limousine or livery 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 a Salem or regional 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

45 Taxi
25 Limos.

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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.

20/10 8250

50/100 9573

100/300 10835

250/500 12500

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 and notify the city clerk.

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 who shall then notify the city clerk.

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 \$1,000,000 on account of injury or death of each person, and at least \$3,000,000 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.

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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. ~~Prior to obtaining an Application from the city clerk an applicant shall obtain a certification from the city collector that no funds are due from the applicant to the city. A completed application may then be taken by the applicant, 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, ensure the driver is over eighteen years of age and holds a valid driver's license and then 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

Deleted: 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.

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application. 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 application shall be \$20.00 payable at time of application. The application fee shall be non-refundable. Operator licenses shall expire on December 31 annually. Renewals must be filed with the city clerk and police traffic division prior to December first.

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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

All taxis shall be equipped with a meter to measure distance traveled. All meters shall be inspected prior to use and inspected annually at the direction of the city scaler of weights and measures.

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

- 1) One mile or fraction thereof \$5.50
- 2) Each additional one-fifth mile \$0.50
- 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.

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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

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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 disabled and is accompanied by a service dog ~~or service animal~~.

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, ~~except parties under the age of 16 not accompanied by an adult,~~ 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. ~~Parties under the age of 16 may share a taxi, but such request shall not be initiated by the taxi driver.~~

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.

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ARTICLE II. MOTORIZED VEHICLES FOR HIRE, TAXICABS, LIVERIES AND LIMOUSINES

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, equipped with a meter to measure distance traveled, 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, picking up and discharging passengers within the city limits, unless such is licensed as provided by city ordinance, excluding fares that originate or terminate outside of the city limits. The city council shall not approve the issuance of more than 35 taxicab and 35 limousine or livery 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 a Salem or regional 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 and notify the city clerk.

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 who shall then notify the city clerk.

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 \$1,000,000 on account of injury or death of each person, and at least \$3,000,000 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. Prior to obtaining an application from the city clerk, an applicant shall obtain a certification from the city collector that no funds are due from the applicant to the city. A completed application may then be taken, by the applicant, 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, ensure the driver is over eighteen years of age and holds a valid driver's license and then 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. 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 application shall be \$20.00 payable at time of application. The application fee shall be non-refundable. Operator licenses shall expire on December 31 annually. 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

All taxis shall be equipped with a meter to measure distance traveled. All meters shall be inspected prior to use and inspected annually at the direction of the city sealer of weights and measures.

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

- 1) One mile or fraction thereof
- 2) Each additional one-fifth mile \$5.50
- 3) Each additional passenger over two \$0.25
- 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. \$0.50 per ride
- 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

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 disabled and is accompanied by a service dog or service animal.

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, except parties under the age of 16 not accompanied by an adult, 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. Parties under the age of 16 may share a taxi, but such request shall not be initiated by the taxi driver.

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.

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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 carrier 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 predetermined route, and must display a roof beacon marked "Taxi," Registry-issued taxi plates, and medallion.

(2) Livery: A limousine or other vehicle, which is not a taxi, may carry 15 or fewer people including the driver, carries passengers for hire, 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 must display a livery plate.

(3) Limousine: An unmarked luxury sedan, SUV or van with 12 or less seats, operated for hire on an exclusively dedicated basis for the duration of an event on a prearranged hourly basis.

(A) A Livery or Limousine shall not be used as a Taxi.

Sec. 44-32 - Vehicle License

A) Required: No person shall operate any taxicab upon any public way in the city unless such taxi cab is licensed as provided in this section. No taxicab shall pickup passengers in the city and discharge them within the city limits without being licensed by the city. The city council shall not approve the issuance of more than 50 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 a properly zoned office dispatch center 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 \$25.00 for each vehicle so licensed. The fee for a decal shall be \$75.00. 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 \$25.00. 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 whom is not the age of 21 years of age or over or whom is known to be addicted to the use of intoxicating liquors or narcotic drugs.

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.

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 taxicab 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 reinspected 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, zone maps 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 section 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 taxicab license 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 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. 44-44 - Driver'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 license by the city council. Applicant will purchase one ten dollar application from the city clerk. The city clerk shall affix a stamp showing the applicant to be a resident of the commonwealth, a citizen of the United States of America, 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 CORI check, attach a recommendation 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 driver'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. Dispatch shall respond over the two-way radio in a voice audible to the customer the correct fare.

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 - Established

A) The city shall be divided into three fare zones as shown on a map filed in the city clerk's office known as the "taxi fare zone map" for the city of salem.

B) The "taxi fare zone map" will set and show the boundaries for zone #2 by the use of the waypoints contained in subsection "c." All waypoints contained in subsection "c" will be considered zone # ___ from riley plaza in any direction to zone #2 boundary will be zone #1. From outer zone #2 boundaries to city limits will be zone #3.

C) Zone #2 Boundaries to Zone #1

- From the sea along Ocean Ave.
- Along Ocean Ave. West to the intersection of Highland Ave. and Colby St.
- Along Colby St. to the intersection of Hanson and South Sts.
- Along Hanson St. to the intersection of Grove and Goodhue Sts.
- Along Grove St. to the the Intersection of Tremont St. and School St.
- Along School St. to the intersection of School ad North Sts.
- Along Orne St. to the intersection of Orne and Lee Sts.
- Along Lee St. and Moulton St. to the North River.
- From the North River along Webb St. to the Intersection of Webb St. and Derby St.
- From the Intersection of Webb St. and Derby St. to the sea.

D) Zone #2 Boundaries to Zone #3

- From the sea along Cleveland Rd. to the intersection of Pickman Rd. and Loring Ave.
- Along Pickman Rd. to the intersection of First St. and Traders Way.
- Along Traders Way to the intersection of Highland Ave. and Marlboro Rd.
- Along Marlborough Rd. to the city limits.
- Along the city limits to the intersection of Memorial Dr. and Restaurant Row.
- Along Memorial Dr. and Columbus Ave. to the city limits.

E) All taxi dispatch offices shall keep a 26 inch by 26 inch, color-coded "taxi fare zone map" within eyesight of any dispatcher performing taxi business in the city of salem.

F) The following fares shall be the fares charged for taxicab use in the city:

Each fare that remains in any one zone using the most direct route shall be charged \$5.50.

Each fare using the most direct route which necessitates crossing a zone boundary line shall be charged an additional \$1.00 for each zone boundary line crossed.

Any fare where all passengers present the operator of the taxi an acceptable picture identification proving all to be 60 years of age or older shall be charged \$4.50 for remaining in one zone plus \$.50 for each boundary line crossed.

Waiting charge shall be the first five minutes free, \$.50 per minute after the first five minutes.

Each additional passenger over 4 shall be \$1.00.

Each stop made along a direct route shall be \$1.00 plus waiting time contained above.

Passengers picked up and/or being delivered to separate addresses shall be charged as separate fares.

Hourly rental of taxis shall not follow any city-mandated rate structure. Hourly rates will be per agreement of the fare and the taxi company.

Any fees where it becomes necessary to store items in the trunk shall be charged \$.20 per grocery bag, \$.50 per box or luggage, \$1.00 for bicycles, \$2.00 for item over 20 pounds. No charge can be charged 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) Ever 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 any 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 seven days.
- E) All drivers shall, except when a passenger directs otherwise, transport passengers via the most direct route reasonable to the passengers' 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 said properly zoned base of operations.
- G) Cell phones shall not in any time be used to dispatch taxicabs.
- H) Every taxicab shall be equipped with a beacon light stating "TAXI" which must be clearly visible from the front of said vehicle. The taxicab's roof light shall be illuminated during the same time as the vehicle's headlights.
- I) No advertising may appear on a taxicab without prior approval from the city council.
- J) The driver of a taxicab shall not refuse transportation to any person except for:
- 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 the driver's ability to drive the vehicle in a safe manner.
 - 3) When a person is unconscious 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.
 - 6) When a passenger emits an offending odor.
 - 7) Driver's are required to report any refusal to dispatch who will be required to record the specifics.
- K) 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, muzzled service dog.

3) No charge shall be made for transporting an animal if accompanied by such a passenger.

L) 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.

M) A driver shall not knowingly operate a taxicab that is unsafe for passenger service.

N) 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.

O) Every driver having charge of a taxicab shall be suitably dressed, neat and clean in appearance.

P) 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.

Q) Taxicab drivers are allowed to perform one fare at a time unless all parties agree to sharing a taxi cab. Any passenger for any reason shall have the option presented to them to not share a taxicab.

Sec. 44-43 - Any person, driver, dispatcher, manager, or owner violating any sections of 44-41 shall forfeit and pay a fine not exceeding \$100.00 for each offense. And any licensed person whom violates any of the above subsections of this section thereupon, in addition to such penalty, become liable to suspension or forfeiture of his license and may be disqualified to hold a license thereafter.

Sec. 44-44 - Any livery and/or limousine driver observed operating as a taxicab shall pay a fine of:

A) first offense \$250.00 fine

B) second offense \$500.00 fine and license suspension

C) third offense \$750.00 fine and license revocation

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.