

TOWN OF ROCKINGHAM

VEHICLES FOR HIRE TAXICAB ORDINANCE

SECTION 1 PURPOSE

It is hereby declared that the business of operating motor vehicles for the carrying of passengers for hire or donation of monies for conveyance along the public highways of the Town of Rockingham, including but not limited to, the Village of Bellows Falls and Village of Saxtons River, is one affected with a public interest and that the regulation of such traffic is necessary in the interest of the safety and convenience of the public.

SECTION 2 DEFINITIONS

- (1) Chief of Police – Chief of Police shall be that member of the Bellows Falls Police Department so designated by the Municipal Manager. The Bellows Falls Police Department is a Village department and the Village Board of Trustees shall approve enforcement of this ordinance by the Bellows Falls Police Department.
- (2) Taxicab – A motor vehicle regularly used for carrying passengers for hire or donation of monies for conveyance within the Town of Rockingham, including but not limited to the Bellows Falls Village and the Saxtons River Village. Taxicab as herein defined shall include a jitney as defined in Section 4 of Title 23, Vermont Statutes Annotated, but shall not include any such vehicle while being used in interstate or foreign commerce, or a vehicle used by common carrier as defined in Section 1821 of Vermont Statutes Annotated. Any vehicle used as a taxicab shall be designated as a taxi, with the name and phone number of the business and the words “For Hire” prominently displayed on both sides and rear of the vehicle.
- (3) Taxi Driver – A taxi driver is the operator of a taxicab.
- (4) Taxi Stand – A parking space or other designated area for the purposes of taxicab use only. Such spaces designated by the Village Trustees or the Town Selectboard shall be conspicuously marked or posted by an appropriate sign.
- (5) Municipality – The Town of Rockingham, Village of Bellows Falls and the Village of Saxtons River when referenced in this ordinance.
- (6) Law Enforcement Agent/Agency – Chief of Police-Bellows Falls Police Department, Sheriff’s Department, or Vermont State Police when referenced in this ordinance.

SECTION 3 FARES

- (1) Rates of fares to be charged for the conveyance of passengers shall be filed with the Rockingham Selectboard by each taxicab owner prior to the granting of a taxicab license for that municipality. Upon approval of the fares and granting of a license, the rates of fare shall be set forth on a plate or placard headed "Licensed taxicab, Town of Rockingham Vermont, rates of fare." The placard shall be in such form satisfactory to the appropriate municipal authority and shall be prominently displayed in each licensed taxicab.
- (2) If at any time during the year the owner of a taxicab feels it is necessary to change fares, he must submit in writing such request for amendments of fares to the Town. Fare changes properly submitted will go into effect five (5) days after the next regularly scheduled meeting of the Selectboard unless denied by the Selectboard.
- (3) It shall be unlawful for a taxi driver to transport, or for a taxicab license holder to knowingly permit the transport of passengers or baggage at a rate other than that currently on file with and approved by the Selectboard.

SECTION 4 TAXI STANDS

The Town Selectboard may designate taxi stands, the number and location of which shall be within their discretion and may be changed at will upon notice and no taxicab shall occupy any part of the public highway for the purpose of soliciting business.

SECTION 5 POSSESSION OF INTOXICATING BEVERAGES

It shall be unlawful for a taxi driver or any fare to have in his possession in and/or about a taxicab being operated by him or under his control, any intoxicating liquor, malt or vinous beverage, if the container is opened.

SECTION 6 LICENSES and PERMITS

Section 6-1. Taxicab Driver's License

(a) Taxicab License Required

No person may originate any fare or pickup any passenger in a taxicab, nor advertise for use as a taxicab, within the limits of the Town any motor vehicle, or cause the same to be so operated, unless such motor vehicle is licensed for such use as provided by this ordinance. Each vehicle operated as a taxicab shall have a separate license.

(b) Application.

A taxicab license shall be issued by the Town upon a determination that all requirements of this ordinance have been met. Issuance of a taxicab license by the Town shall not create an expectation of sole franchise or an impediment from competition by others similarly licensed. Should the application for taxicab license be denied, an appeal may be taken to the Town Selectboard as set forth in Section 8.

(c) Standards for Issuance.

- (1) The applicant must present documentation that the motor vehicle to be licensed has been inspected by an official state inspector of motor vehicles.
- (2) The licensee shall maintain the taxicab in a safe condition and suitable for public patronage. A licensee whose taxicab is found to be unsafe or in any way unsuitable for public patronage may have his or her taxicab license suspended or revoked pursuant to this ordinance, and before being placed in service again shall provide written certification that the unsafe condition(s) have been repaired.

The Town shall be permitted but not obligated to inspect any taxicab licensed under this ordinance. Neither the Town's right to make inspections nor the making thereof nor any report thereon shall constitute an undertaking, on behalf of or for the benefit of a third person to determine or warrant that such property or operations are safe or healthful, or are in compliance with any law, rule or regulation.

- (3) The applicant must present a certificate of insurance for liability insurance coverage with a responsible company authorized to do business in the State of Vermont for the payment of a minimum of \$50,000.00 for injury to, or death of any one person in any accident subject to a minimum limit per accident of \$100,000.00 for injuries to or death of all persons in any one accident if the vehicle has a seating capacity of seven (7) passengers or less, subject to a minimum limit per accident of \$250,000.00 for injuries to or death of all persons in any one accident if the vehicle has a seating capacity from eight (8) to twelve (12) passengers inclusive, subject to a minimum limit per accident of \$300,000.00 for injuries to or death of all persons in any accident if the vehicle has a seating capacity of from thirteen to twenty (13-20) passengers inclusive, subject to a minimum limit per accident of \$350,000.00 for injuries to or death of all persons in any one accident if the vehicle has a seating capacity from twenty-one to thirty (21-30) passengers inclusive, subject to a minimum limit per accident of \$300,000.00 for injuries to or death of all persons in any one accident if the vehicle has a seating capacity exceeding thirty (30) passengers, and \$50,000.00 from damages to property in any accident. The policy shall not lapse, expire or be cancelled while the taxicab license described herein is in force, except upon surrender and cancellation of the taxicab license when

cancellation of such policy is made by the insured, or upon ten (10) days notice to the Town and the insured when cancellation is made by the company issuing such policy. There shall be an ongoing obligation for the applicant to disclose in writing if the policy is cancelled or altered in any way or if the certificate of the Commissioner of the Vermont Department of Motor Vehicles is suspended or revoked. In case a policy is cancelled by the company, as herein provided, and the insured does not furnish a new policy within the ten (10) day period herein mentioned, the Chief of Police shall suspend the taxicab license as set forth in this Section. The owner of a taxicab shall not operate or cause or permit such vehicle to be operated in the carrying of passengers for hire, unless the required policy of insurance is in force upon such vehicle, nor unless the certificate of the Commissioner of the Vermont Department of Motor Vehicles authorizing the operation of the taxicab is in force.

(d) Issuance, Form and Duration.

(1) Once an application for an original taxicab license or renewal of an original license has been approved by the Selectboard, the Town shall issue an original license or renewal license to the applicant on payment of a fee for such license as indicated on a fee schedule on file in the Town Office. Taxicab licenses shall expire on December 31 of the year issued. Taxicab licenses are not transferable from one owner to another, but may be transferred to another vehicle upon permission of the Selectboard.

(e) License Displayed.

Upon issuance, the taxicab license shall be prominently displayed in the taxicab at all times.

Section 6.2 Taxicab Driver's Permit.

(a) Permit Required.

No person may originate any fare or pick up any passenger in a taxicab within the limits of the Town unless he or she has a permit to operate as a taxicab driver as required by this Chapter.

(b) Application.

Each applicant for a taxicab driver's permit to operate within the Town shall, on a form to be provided by the Town, provide all requested information and sign and swear as to the accuracy of the information provided on the application. In order to be eligible to hold a Town taxicab driver's permit, the applicant must:

- (1) Hold a driver's license valid in any state in the United States, including any necessary endorsements.
 - (2) Be eighteen (18) years of age.
 - (3) Have a thorough knowledge of the laws of the State of Vermont affecting or regulating the operation of motor vehicles and of the traffic ordinances of the Town of Rockingham and the Villages of Bellows Falls and Saxtons River.
 - (4) Pay the fee for a record check to be conducted through the Vermont Criminal Information Center as determined by the VCIC as may be amended from time to time.
- (c) Standards for Permits.
- (1) A sufficient number of permits to meet the public need within the Town shall be issued by the Town to applicants meeting the standards established in this ordinance. Should an applicant's request for permit be denied, the applicant may appeal to the Selectboard as set forth in Section 8.
 - (2) By making application for a taxicab driver's permit, the applicant shall be deemed to have authorized an investigation by the Town to his or her qualifications, including his or her criminal and motor vehicle record in this and any other state. The Town shall be permitted but not obligated to investigate the applicant's qualifications. Neither the Town's right to make investigations nor the making thereof nor any report thereon shall constitute an undertaking, on behalf of or for the benefit of any third person, to determine or warrant that such applicant is qualified to operate a taxicab. The applicant must agree to abide by the terms and conditions of this ordinance and comply with all local, state and federal laws.
 - (3) A person shall be presumed to be unsuitable to operate a taxicab within the Town should any of the following apply: (a) the person has been convicted of a felony under the laws of this or any other state; (b) the person has been found to have been guilty of negligence in a civil action for damages in more than two motor vehicle accidents in a five-year period immediately preceding the license application; or (c) the person has been convicted of driving while under the influence or careless and negligent operation pursuant to 23 V.S.A 1201 or 23 V.S.A 1091 or like statute of another state at any time in a five-year period immediately preceding the license application. There shall be an ongoing obligation for the applicant to disclose in writing to the Town any pending criminal charges or new convictions that occur after the application is filed or after issuance of a permit.

- (4) Persons holding a permit to operate a taxicab must be neat and clean both in personal hygiene and in clothing and courteous while engaged in the furnishing of operating a taxicab. Persons holding a permit to operate pursuant to this ordinance must wear suitable attire at all times.
- (5) A taxicab driver's permit required by this ordinance may be granted only after the applicant has furnished to the Selectboard a physician's certificate that he or she is in good health and that his or her eyesight (with or without glasses) and hearing are normal.
- (6) A person who fails to completely disclose all information requested on an application or who misrepresents information on such application shall be prohibited from applying for or obtaining a permit for minimum period of six months.

(d) Issuance, Form and Duration.

- (1) Once an application for a taxicab driver's original permit or annual renewal of an original permit has been approved by the Selectboard, the Town shall issue a permit to the applicant on payment of a fee for such original permit or renewal as indicated on a fee schedule on file in the Town Office.
- (2) A taxicab driver's permit shall expire on December 31 of the year issued.
- (3) A taxi driver's permit may not be sold, assigned or transferred to any other person.

(e) Permit Displayed.

The taxicab driver's permit shall be prominently displayed within the taxicab at all times. A permit holder shall produce his or her permit upon request.

(f) Employing or Permitting a Non-Permit Holder to Drive Prohibited

No owner or person having the care or management of a taxicab shall employ or permit any person to drive the same other than a person holding a permit as herein required.

(g) Return Required Upon Expiration, Revocation or Suspension.

The taxicab driver's permit shall be returned to the Town upon expiration, suspension or revocation of the taxicab driver's permit by this ordinance.

SECTION 7 SUSPENSION AND REVOCATION OF PERMIT AND/OR LICENSE.

- (a) Each permit and/or license required by this Chapter may be suspended at any time by the Chief of Police or his or her designee upon his or her reasonable belief that the vehicle is not in safe operating condition or the conduct of the driver poses a risk to public safety. The permit holder and/or license shall be notified in writing of a date for hearing before the Selectboard within five (5) business days of the suspension by the Chief of Police. The Selectboard may continue or dismiss the suspension of that license and/or permit or may order the revocation of that permit and/or license.

SECTION 8 APPEAL FROM DENIAL OR SUSPENSION OF PERMIT AND/OR LICENSE.

- (a) An applicant who has been denied a permit and/or license or whose permit and/or license has been suspended or revoked by the Town for failure to comply with all the requirements of this ordinance may appeal that denial, suspension or revocation to the Selectboard by written notice which shall be received by the Town within five (5) business days.
- (b) The applicant shall be entitled to be represented by counsel, to summon witnesses on his or her own behalf, and to cross-examine those witnesses who testify regarding the application.
- (c) The Selectboard shall review the evidence presented and shall have the discretion to grant or deny the permit and/or license request. The decision of the Selectboard shall be final.

SECTION 9 PENALTY

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1974A and 1977A et seq. A civil penalty of up to \$100.00, as authorized by 24 V.S.A. 2031, may be imposed for a violation of this ordinance and the waiver fee shall be set at \$75.00 for each offense. Each day that the violation continues will constitute a separate violation of this ordinance.

SECTION 10 ORDINANCE IN FORCE

- (a) Date of Enactment: Adopted by the Town of Rockingham Selectboard this 7th day of April, 2009, in the State of Vermont, County of Windham, Town of Rockingham, at a duly warned and duly held meeting of said Selectboard.
- (b) Ordinance in Effect: This ordinance shall be in full force and effect sixty (60) days from the date of adoption.

Vehicles for Hire/Taxicab Ordinance

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Effective date: June 7, 2009.

ROCKINGHAM SELECTBOARD

s/Thomas MacPhee, Chair
s/Robert Thomson, Vice-Chair
s/Ann DiBernardo
s/Peter Golec

ATTEST: Doreen B. Aldrich
Doreen Aldrich, Town Clerk

 April 8, 2009
Date

Posted April 8, 2009 at Town Clerk's Office, Town Manager's Office, Town Hall Lobby,
Rockingham Free Public Library and Bellows Falls Police Department.