

Town of Oak Bluffs
Livery Vehicle Regulations

Article I: Definitions

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

"Board of Selectmen" or "Selectmen": the duly elected members of the Board of Selectmen for the Town of Oak Bluffs, Massachusetts.

"Number Plate": the sign or marker furnished by the Registry of Motor Vehicles on which is displayed the register number or mark of a motor vehicle assigned to such motor vehicle by the Registry of Motor Vehicles.

"Operator": any person who operates a Livery vehicle

"Police Officer" or "Officer": any officer authorized to make arrests or serve criminal process, provided he or she is in uniform or displays his or her badge of office.

"Taxicab": any motor vehicle used, or to be used for the conveyance of persons for hire from place to place.

"Livery License": license issued to a Livery Business specifying the number of vehicles for that business and authorizing the use of said vehicles after approval by the Board of Selectmen.

"Operators Permit": permit issued to a person wishing to operate a livery vehicle in the Town of Oak Bluffs.

"Town Clerk": the duly elected clerk for the Town of Oak Bluffs, Massachusetts.

"Way": any public way to which the public has a right of access as invitees, licensees or guests.

Article II: LIVERY LICENSES

1. Licenses:

All livery companies shall be licensed by the Board of Selectmen. Any applicant for a livery license shall set forth under oath any and all information the Selectmen may require. Each license shall specify the number of vehicles allowed to operate under said license. Each vehicle shall be licensed by the Town and said license shall be clearly displayed in the interior of the vehicle in clear view of passengers in a manner so as not to be easily molested or destroyed.

2. License Fee:

The annual fee for a livery license shall be ~~\$250.00~~ ^{\$400.00} (Two hundred and ~~fifty dollars~~) per company. An additional fee of ~~\$35.00~~ ^{\$50.00} (Thirty Five

Dollars)per vehicle shall be paid prior to the operation of said vehicle after providing the Selectmen's office with proof of registration.

3. Duration of License:

a) All livery licenses shall expire on December 31st. Livery licenses approved by the Board of Selectmen may be renewed upon payment of the annual license fee on or before January 1st. There shall be no extensions or grace periods, after this date the license is expired and the company may not operate until said license is renewed.

b) All livery company license holders shall comply with Massachusetts General Law, Section 49A of Chapter 62C stating that they have complied with all laws of the Commonwealth relating to taxes, prior to receiving their license renewal from the Board of Selectmen.

4. Number of Licenses:

The Board of Selectmen shall determine the number of companies that will operate in the Town and the number of vehicles licensed to each company. Such determination shall be made, based upon serving the public need, convenience and the promotion of public health and safety, which shall be at the sole discretion of the Board of Selectmen.

6. Livery License Transfer and Sale of Business

A company may offer to surrender its license contingent upon the granting of a replacement license to a particular party by the Selectmen. If the Selectmen issue a replacement license to a particular party, the applicant shall pay the full license fee regardless of how much of the calendar year has passed. Similarly, the company selling its business and surrendering the calendar year has passed. Similarly, the company selling its business and surrendering its license shall not be entitled to a rebate of the fee paid. The decision to grant a replacement license shall be based upon the suitability of the applicant and shall be at the sole discretion of the Board of Selectmen. The Selectmen shall consider the qualifications of the applicant, past business experience, and any other factors which they deem to be in the best interest of the Town. In no case shall such a decision be based on the applicant's race, color, creed, sex or any other discriminatory factor.

7. Vehicle Inspection and Replacement:

a) Vehicles licensed by the Board of Selectmen are subject to periodic inspection by the Oak Bluffs Police Department to determine their fitness for continued operation and compliance with the regulations herein. In addition, they are subject to periodic unannounced inspection at any time during the year.

b) Vehicles shall be well maintained and be in sound mechanical condition. They shall be capable of passing a Commonwealth of Massachusetts Vehicle Inspection at all times. The Police Department may order an unsound vehicle out of service immediately. A vehicle showing excessive smoke shall be grounds for removal from service.

c) Vehicles shall be clean inside and outside. The Police Department may order an unclean vehicle from service for not meeting safety, cleanliness or cosmetic standards. Before returning to service it will be presented to the Police Department for inspection.

d) If a vehicle is to be replaced, the company shall so notify the Board of Selectmen and produce the new registration.

8. Insurance

All livery vehicles shall be insured as required by law.

8. Rate Posting:

All livery companies shall submit, for review and approval by the Board at their annual license renewal, a schedule of the rates charged for services during the next year.

9. Storage of Vehicles

Vehicles may only be parked or stored on Licensee's premises, if applicable in accordance with any of the provisions of the zoning by-law that may apply.

10. Reciprocity

All Livery companies and operators licensed under Oak Bluffs regulations shall comply with these rules and regulations when operating.

1. LIVERY OPERATORS PERMIT:

In order to operate a vehicle licensed under these regulations a person must first obtain an operator's permit from the Board of Selectmen. An applicant for an operator's permit must show a valid Massachusetts driver's license and submit a photograph of themselves which will become part of the permit issued. This photograph shall be a front view showing the applicant's head and shoulders. All applicants must be at least 18 years of age.

2. Operator's Permit Fee

A fee of \$30.00 (Thirty Dollars) will be charged for an operator's permit. All operators issued permits shall be given a copy of these regulations by the Selectmen's office. Driver's permits shall be carried on the operator or in vehicle at all times while on duty.

3. Duration of Permit

An operators permit shall expire on May 1st of each year. Permits are renewable after May 1st of each year upon payment of the \$30.00 (Thirty Dollar) fee. Unless a substantial change in appearance has occurred, submission of an additional photograph is not required.

INTOXICATING BEVERAGES PROHIBITED

a) No person shall operate a livery vehicle while intoxicated, or have

an open container containing an intoxicating beverage in the vehicle.

- b) No licensee shall knowingly permit any passenger to carry an open container containing an intoxicating beverage.

4. Dress

All operators shall at all times be dressed in a neat and clean fashion. Shoes and shirts must be worn at all times. Collared shirts are recommended. Operators shall at all times conduct themselves in a professional manner.

Livery vehicles will not be parked, stopped or standing on Town owned property unless otherwise authorized. No vehicle shall obstruct traffic when loading passengers, except in the case of a handicapped individual, no loading or unloading will be done by stopping in the travel lane of any roadway. A livery vehicle may use a loading zone to accept or discharge passengers. Five minute limit.

IV. COMPLAINTS, FINES AND PENALTIES

a) A complaint may be brought against a Livery License holder or an operator (or both) for any violation of these regulations, or of the General Laws of the Commonwealth of Massachusetts.

b) Complaints are enforceable by the Oak Bluffs Police Department. An officer shall issue the appropriate violation notice for any violation he observes or upon the written and signed complaint of any witness. Violators may pay the fine assessed by mail or may ask for a hearing within 21 days. All hearings will be conducted by the Clerk-Magistrate at the Dukes County District Court, Main Street, Edgartown, Massachusetts. Unpaid fines will forfeit license or permit renewal.

c) Any business or operator that receives more than three violation notices within a calendar year may, at the discretion of the Selectmen, be required to attend a Selectmen's hearing to determine if a period of license suspension or revocation is appropriate.

6. Prohibited Practices

a) Operating an unlicensed livery business - Three Hundred Dollar (\$300.00) fine per day.

b) Operating a livery business without paying the annual license renewal fee - One Hundred Dollar (\$100.00) per day.

c) Operating a livery vehicle without paying the annual per vehicle assessment in advance - One Hundred Dollar (\$100.00) fine. No more than one fine per vehicle per year.

d) Failure to maintain vehicle in a safe and clean fashion - Fifty Dollar (\$50.00) fine per day.

e) Failure to submit vehicle to police inspection - Twenty Five Dollar (\$25.00) per day.

f) Such other violations as are noted in the regulations. If no fine listed, the fine is twenty-five Dollars (\$25.00) per offense.

Operator Violations:

a) Driving a livery vehicle without an operators permit - Fifty Dollar (\$50.00) fine per day.

b) The following violations are all twenty-five Dollars (\$25.00) fine per offense:

- Cruising through the downtown business district
- Hawking fares
- Improper Attire
- Parking in unauthorized area
- Obstructing traffic while loading or unloading
- Loading or unloading in other than a designated area
- Loading vehicle with a number of passengers greater than is legal
- Not having operators permit in the vehicle or possession
- Such other violations as are identified in the regulations. If no fine is listed, it is twenty-five Dollar (\$25.00) per offense.
- Failure to obey the lawful request of a police officer, whether or not identified in these regulations.

d) Operators shall not park in travel areas of streets or obstruct the flow of traffic in any other way.

~~e) Operators, while awaiting employment, shall not stand a vehicle in any public way except at an approved taxicab stand.~~

~~f) Operators who park a taxicab in a regular public parking space may do so only if their taxicab is posted out of service.~~

g) No ~~taxicab~~ shall offer tour services or in fact conduct tours over a regular route with predetermined stops on such a route. Such tours may only be conducted upon proper licensing by the Department of Public Utilities of the Commonwealth of Massachusetts.

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IV. COMPLAINTS, FINES AND PENALTIES

a) A complaint may be brought against a Livery License holder or an operator (or both) for any violation of these regulations, or of the General Laws of the Commonwealth of Massachusetts.

b) ^{LIVERY} ~~Taxi~~ complaints are to be submitted to the Board of Selectmen (or its designee) in writing. Complaint forms are available in the Selectmen's Office. The complaint must be received within 3 days of the alleged violation and the Selectmen (or their designee) shall cause an investigation to be made. A written response may be required from the ~~Taxi~~ Company and/or the ~~Taxi~~ Operator involved and a public hearing

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may be held regarding the complaint.

2. Violations:

The Board of Selectmen (or its designee) shall have the right to impose fines and penalties for any violation of these regulations on a ~~Taxi~~ ^{LIVERY} Licensee or a ~~Taxi~~ ^{LIVERY} Operator (or both) after a hearing for that purpose. The ~~taxi~~ ^{LIVERY} Licensee or Operator involved will be provided with three (3) days advance notice of the hearing date and time and a brief description of the nature of the complaint. At said hearing, the Selectmen (or their designee) shall receive any statements and information relevant to the complaint(s). The ~~taxi~~ ^{LIVERY} Licensee or the ~~taxi~~ ^{LIVERY} Operator (or both) shall be entitled to present any information in their defense or in mitigation of the events. They shall have the right to be represented by counsel. The conduct of the hearing shall afford a full, fair, and complete hearing of the issues. The ~~taxi~~ ^{LIVERY} Licensee or ~~taxi~~ ^{LIVERY} Operator (or both) may waive their right to a hearing and suffer the appropriate penalty.

3. Fines and Penalties

After the aforementioned hearing (or if right to a hearing is waived) the fines and penalties to be imposed on any ~~taxi~~ ^{LIVERY} Licensee or ~~taxi~~ ^{LIVERY} Operator shall not exceed:

Taxi Operator:

First Violation in any 12 Month Period:	Written warning
Second Violation (any offense) in any 12 Month Period:	3 Day
Suspension	
Third Violation (any offense) in any 12 Month Period:	7 Day
Suspension	
Fourth Violation (any offense) in an 12 Month Period:	Referral to
Board	of Selectmen for
	action.

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LIVERY
Taxi Company:

First Violation in any 12 Month Period:	Written warning
Second Violation (any offense) in any 12 Month Period:	\$50.00 per offense
Third Violation (any offense) in any 12 Month Period:	\$100.00 per offense

Fourth Violation (any offense)
in any 12 Month Period:
Board

Referral to
of Selectmen per
action

~~Taxi~~ companies using a vehicle not licensed in Oak Bluffs will be considered a major violation and be penalized by the Board of Selectmen at least \$100.00 per violation.

V. ENFORCEMENT

It shall be the duty of the Oak Bluffs Police Department to enforce the provision of these rules and regulations.

VI. AUTHORITY

These rules and regulations are adopted under authority of the Massachusetts General Laws Chapter 40, Section 22.

1. Vehicles for hire, not including but not limited to Oak Bluffs taxis shall not park, stand, stop or circulate within the area of Main St., Kennebec Avenue, the SSA or Island Queen unless it is a specially pre-arranged pickup.

Any vehicle in violation of these regulations whose driver is present and refuses the directive of a police officer may be booted, immobilized and towed.

2. Taxis not licensed in Oak Bluffs will use the unloading only zones to unload. Unloading of all taxis will be accomplished within a (3) three minute time period or they are in violation.

3. Oak Bluffs licensed taxis will be clearly marked on the outside and registration entered on the permit when issued. Police will have the registration of all cabs licensed in Oak Bluffs in their files.

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Unloading Zones Island Queen Zone

1. Zone marked unloading at the end of parking lot.

SSA

2. Along side of double line parallel to SSA, vehicle loading area

Circuit Avenue

3. Zone near information booth at foot of Main Street.
2. Zone at the middle of Main St. for commercial vehicles.

There shall be no hawking, bartering, soliciting or procurement of trade or business in any fashion by any person.

Taxi Parking/Unloading

	<u>Loading</u>		<u>No</u>		<u>Unloading</u>
1 -	SSA		6		
2 -	Owen		6		
3 -	Ft. Main St.		6		
			<u>18</u>		

6. Post office Mall
2 Taxi stand
7:00 p.m. to 3:00 a.m.

Out of town taxis will have in their possession location/name/numbers of people being picked up. Circulating will be in violation and Board of Selectmen will be informed of the violating town.