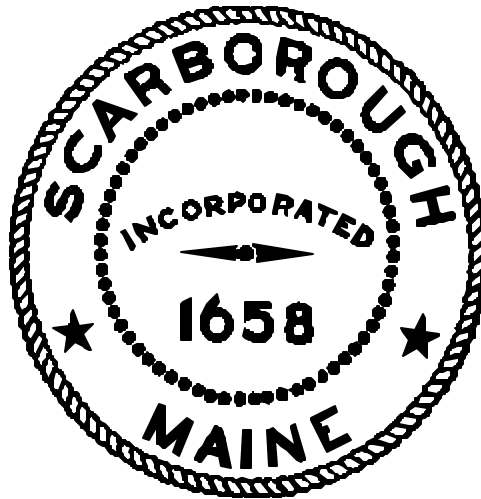


CHAPTER 1004

TOWN OF SCARBOROUGH

TAXICAB ORDINANCE



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**CHAPTER 1004
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TAXICAB ORDINANCE**

Section. 1. Definitions

- (a) **License inspector** means the Scarborough Chief of Police or any Scarborough Police officer designated by the Chief to enforce this Ordinance.
- (b) **Metered zone** means the Cities of Portland, South Portland, Westbrook and Saco and the Towns of Cape Elizabeth, Scarborough, Old Orchard Beach, Gorham and Buxton.
- (c) **Operate** means to drive, or regularly to cause or induce another to drive, whether or not such other person acts in the capacity of an agent, servant, employee, lessee or independent contractor.
- (d) **Taxicab** means any motor vehicle used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passengers; except that the provisions of this article shall not apply to a motor vehicle licensed by another municipality to operate as a taxicab or other vehicle for hire which is operated within Scarborough in response to:
 - 1. A call to convey a passenger from Scarborough to such other municipality;
 - 2. A request to convey a passenger from Scarborough to such other municipality when such request is made at the point of delivery in Scarborough of a passenger from such other municipality; or
 - 3. A request to convey a passenger from such other municipality to Scarborough.

Section. 2. Annual license required.

No person shall own or operate any taxicab in the Town of Scarborough without a license for such purposes as provided for herein. All owner's and operator's licenses shall expire on May 1 of each year.

Section. 3. Issuance of owner's and operator's licenses.

- (a) An initial license to own or operate a taxicab within Scarborough must be approved by the Town Council. Applicants for either an owner's or operator's license must file a written application with the Town Clerk's office. The Town Council, after public hearing, will approve a license provided the applicant:

1. Has a valid State of Maine driver's license;
 2. Is at least eighteen (18) years of age;
 3. Has a minimum of one (1) year's driving experience;
 4. Has been photographed and fingerprinted by the police department;
 5. Has not been convicted of any of the following:
 - (a) Operating under the influence of either drugs or alcohol within the previous six-year period;
 - (b) A class A, B, or C crime and any sexual offense of any class as set forth in Chapter 11 of Title 17-A of M.R.S.A., within the previous six-year period; conviction of any crime of any class that involves threatening or violent behavior within a three-year period;
 - (c) More than two (2) motor vehicle violations within the past eighteen months; more than four (4) motor vehicle violations within the past thirty-six (36) months.
 6. For an owner's license, has the required vehicle registration;
 7. For an owner's license, has submitted each taxicab for which a license is sought to the annual inspections under Section 2(a)(1);
 8. For an owner's license, has current liability insurance for a term at least equal to the period of the requested taxicab license, with liability limits no less than the minimums required under 29 M.R.S.A. section 2708-a and with a policy endorsement requiring written notice to the Town Clerk no less than thirty days prior to cancellation or non-renewal. Written evidence of such coverage shall be submitted with the application for the license.
- (b) If the Council finds that the standards have been met, the Council shall approve the license. The Clerk shall then issue the license once the applicant has paid the required license fee.
- (c) The Town Council, if it makes the factual determination that one (1) or more of the above standards has not been met, is to issue in writing a denial of a request for a license and will set forth the reason for refusal to issue such license.

Section. 4. Renewal and revocation of owner's or operator's licenses.

- (a) The Town Clerk shall renew a license issued under section 3 to own or operate a taxicab on or before May 1st of each year, provided however, that the applicant must

still meet all of the licensing standards set forth in section 3. The Clerk shall be empowered to utilize the services of the Scarborough Police Department to update and to check on standards.

- (b) If information is provided to the office of the Town Clerk that a current licensee has violated one or more of the standards set forth in Section 3 and this fact is verified by the Police Department, then the Clerk shall issue a notice of suspension revocation of an existing license. A licensee who has received such notice is entitled to a hearing before the Town Council before the revocation takes effect. The Council shall apply the standards of Section 3 to determine whether license should be suspended or revoked.
- (c) In addition, the Town Council may revoke or suspend the license of any owner or operator who violates the conditions of the license, makes a material misstatement on the application for the license, uses abusive or profane language in the presence of a passenger, keeps his taxicab in an unsafe, unclean or unsatisfactory condition, or operates his taxicab in an unsafe manner or keeps his taxicab in an unsafe, unclean or unsanitary condition.

Section. 5. License Fee.

The annual fee for each taxicab shall be as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. The annual fee for each operator shall be \$20.00. These fees shall be prorated on a monthly basis in the case of an initial license issued for less than one year.

Section. 6. Display of license.

Every driver licensed hereunder shall display his or her taxicab driver's license in a conspicuous location within the taxicab whenever the cab is in service. The license shall be surrendered upon revocation, suspension or expiration of the taxicab driver's license.

Section. 7. Fares for service.

- (a) **Metered zone.** The maximum fare for taxicab service within the metered zone shall be one dollar and ten cents (\$1.10) for the first one ninth of a mile or a fraction thereof and twenty cents (\$0.20) for each one ninth of a mile or fraction thereof, thereafter. The fare shall be computed and displayed by the taximeter. No fare charged shall be in excess of the amount displayed by taximeter. There shall be one (1) fare, divided equally, in the case of two (2) or more passengers who engage the taxicab for a trip between the same two (2) points. In all other cases, each passenger shall pay a separate fare, provided the first passenger to engage the taxicab consents to sharing the taxicab. Such separate fare must be negotiated in advance of commencement of the trip.

- (b) ***Outside metered zone.*** If a trip begins or ends within Scarborough and the other point of origin or destination is outside the metered zone, the passenger and driver shall agree upon the fare before the trip commences; otherwise the passenger shall be under no obligation to pay any fare.
- (c) ***Waiting zone.*** A charge for waiting time may be made only for time waited at the express direction of the passenger after the trip has begun and for time waited before the trip has begun, commencing five (5) minutes after the time at which the passenger has requested the taxicab to call, or five (5) minutes after the taxicab actually calls, whichever is later. The charge for such waiting time shall be twenty-five cents (\$0.25) per minute.
- (d) ***Sight-seeing.*** Taxicabs may be employed for purposes of sightseeing only according to a published route and rate, to which the passenger consents in advance of commencement of the trip.
- (e) ***Bags and parcels.*** No charge shall be made for the transportation of bags or parcels of a passenger.

Section. 8. Rates to be displayed.

- (a) ***Rate and information card.*** The clerk shall issue, together with each taxicab business license, a rate and information card which sets forth the foregoing rates in clear, legible letters and a description of the metered zone. The rate and information card shall be displayed in the taxicab so as to be clearly visible to passengers at all times when the taxicab is in service.
- (b) ***Exterior display of rates.*** The maximum rates established by the Ordinance and any lower rates actually charged shall be displayed on the exterior of the rear doors of the taxicab in lettering visible to customers before they enter the taxicab.

Section. 9. Equipment.

- (a) ***General requirements.***

(1) All taxicabs are subject to at least one (1) random vehicle inspection per license year by the License Inspector, in addition to a scheduled annual inspection by the License Inspector at the time the taxi owner applies for a new or renewal license. The inspection shall be for the purpose of determining compliance with the standards of this Ordinance.

(2) Taxicabs shall be at all times clean and in good repair inside and out. “Clean and in good repair” shall mean and include, without limitation, the following:

- a. No visible tears in carpeting;

- b. No dents larger than six (6) inches in diameter;
- c. No tears in seat upholstery;
- d. No loose trash or large amounts of dirt or sand in the interior passenger area, whether or not a passenger currently occupies the area;
- e. No missing trim or bodywork;
- f. No cracks in windshield or windows;
- g. Seat belts for all passenger seats visible and in working order;
- h. No missing hubcaps;
- i. No visible primer paint; and
- j. No rust greater than one (1) inch in diameter.

(3) Taxicabs shall be maintained at all times in compliance with the laws of the state relating to passenger vehicles and the rules and regulations of the state commissioner of transportation enacted pursuant thereto.

(b) ***Taximeters.***

Taxicabs shall be equipped with taximeters which have been tested, approved and sealed by the state sealer of weights and measures, and which shall indicate fare and mileage by means of legible figures which are electrically illuminated during the period between sunset and sunrise, which fare shall be computed in accordance with the rate card and shall be calibrated the same fraction on a mile as the maximum fare provided in section 7. Taximeters shall be so placed that the figures are in plain view of all passengers. Taximeters shall be connected directly to and be driven directly from the transmission by means of flexible shafts and flexible housing so connected and sealed as to not be subject to tampering.

(e) ***Exterior light.***

Every taxicab shall be equipped with an exterior light affixed to the roof thereof which shall be covered with translucent fixture marked with the work "Taxi" in legible lettering and which shall be operated during the period between sunset and sunrise.

(d) ***Identification.***

Every taxicab shall be conspicuously marked in letters not less than one and one-half (1 ½) inches in height with the word "Taxicab" and the owner's name or trade name or, in lieu of such name or trade name, with a design or monogram containing the owner's name or trade name. Such design or monogram shall be not less than eight (8) inches in diameter.

Section. 10. Order of taxicab from service.

The License Inspector may require any licensee to present a taxicab for inspection whenever the inspector deems such inspection necessary because of a serious threat to the health or safety of

passengers and may in writing order a taxicab owner to remove from service any taxicab which is in violation of this ordinance; provided that a reinspection shall be scheduled as soon as possible but in no case more than three (3) days thereafter. There shall be a charge of ten dollars (\$10.00) for the first reinspection, and a charge of twenty-five dollars (\$25.00) for each reinspection thereafter, of any taxicab ordered removed from service hereunder.

Section. 11. Conduct of driver.

When transporting passengers, all licensees shall be neat and clean in appearance. All articles of clothing shall be clean and in good repair.

Section. 12. Smoking in vehicle.

Smoking is not permitted in any vehicle unless all passengers consent.

Section. 13. Number of passengers permitted.

The number of passengers carried by a taxicab at any time shall not exceed the seating capacity of the vehicle.

Section. 14. Taxi stands.

The Town Council may, if it determines in its sole and exclusive discretion that the public convenience and necessity require the establishment of taxi stands on public property, designate and assign taxi stand locations on public streets or other public property, but otherwise no taxi stand shall be established except on private property. No owner or operator of a taxicab shall allow the cab to stand on the public streets for the purpose or with the intent of soliciting passengers except at a taxi stand designated and assigned by the Town Council under this section.

Section. 15. Enforcement and penalty.

The License Inspector shall enforce this ordinance. Any person who owns or operates a taxicab in violation of the requirements of this Ordinance commits a civil violation. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense, punishable by a civil penalty of between \$100 and \$250 per violation. The Town may enjoin or abate any violation of this ordinance by appropriate action.