

Chapter 28
TOWN OF SKOWHEGAN

PUBLIC CARRIAGES

**Approved Selectmen's Meeting, July 27, 1999, Effective August 30, 1999
Amended Selectmen's Meeting, November 26, 2002; Effective December 26, 2002**

Sec. 1 DEFINITIONS

For the purpose of this article the following terms are to be deemed and construed to have the meaning indicated in this section.

- (A) Driver Permit Year: The term "driver permit year" shall mean the period of time commencing on the first day of January of one year and expiring on the thirty first day of December of the same year.
- (B) Holder: The term "holder" shall mean the person, firm, association, partnership, or corporation to whom a license to operate a taxicab has been granted.
- (C) Limousine: The term "limousine" shall mean a taxicab with a seating capacity of seven (7) passengers or more, including the driver.
- (D) Board of Selectmen: The term "Board of Selectmen" shall mean the Board of Selectmen of the Town of Skowhegan.
- (E) Town: The term "Town" shall mean the Town of Skowhegan.
- (F) Taxicab: The term "Taxicab" shall mean a sedan, station wagon, or minivan used for hire, with a driver, and a seating capacity of fewer than five (5) persons behind the driver, operated on call and demand, without fixed routes or termini, and the destination and route of which are under the control of the passenger or passengers being carried therein; the fares for which are at a rate per mile or wait time or both.
- (G) Driver: The term "driver" shall mean any person who is engaged in the driving of a taxicab for hire.
- (H) Vehicle Permit Year: The term "vehicle permit year" shall mean the period of time commencing on the first day of January and expiring on the 31st day of December of that same year.
- (I) Taximeter: The term "taximeter" shall mean a mechanical instrument or device by which the fare for hire of the taxicab and the distance traveled by the taxicab are mechanically measured, calculated, and displayed.

Sec. 2 UNAUTHORIZED AND UNLICENSED TAXICABS PROHIBITED.

It shall be unlawful for any person, firm, association, partnership or corporation, situated within or outside of the Town of Skowhegan, to operate or cause or permit to be operated in the Town, any taxicab not authorized in accordance with the provisions of this Ordinance without having first obtained a taxicab license in accordance with the provisions of section 3 & 4 of this Ordinance unless such person, firm, association, partnership or corporation holds a valid license issued under a municipal ordinance whose provisions and requirement(s) are substantially similar to the provisions of section 3 & 4 of this Ordinance.

Sec. 3 INSPECTIONS

Before a taxicab license may be issued it shall be inspected to determine whether the taxicab:

- (A) Has a valid State of Maine motor vehicle registration under title 29-A M.R.S.A. §501(1)(3);
- (B) Complies with the requirements of all laws, ordinances, rules and regulations relating to the examination, inspection and safe operation of motor vehicles registered in the State of Maine;
- (C) Is in a clean and sanitary condition;
- (D) Meets the identifying lights and identifying design requirements of section 8 of this Ordinance;
- (E) Has the rate fare schedule conspicuously posted so that it is visible to passengers;
- (F) Is in all other respects, safe and suitable for taxicab service.
- (G) If equipped, has a statement from the sealer of weights and measures indicating the taximeter accurately calculates the charged mileage and/or time rate of fare.

The Chief of Police or his/her designee shall have the right to require re-inspection of any taxicab for which he has good cause to believe no longer meets the standard set forth herein. If a taxicab fails any re-inspection, the Chief of Police, or his/her designee, shall give the owner written notice of the deficiencies which must be corrected and a clear warning that failure to correct these deficiencies within ten (10) days of mailing of the notice shall constitute good cause for suspending or revoking the taxicab license pursuant to section 9. Nothing herein shall be construed to limit the authority of any law enforcement officer, including the Chief of Police, his/her designee, to prevent by impoundment, or otherwise, continued operation of a motor vehicle determined by the officer to be unsafe to operate.

Sec. 4 TAXICAB LICENSES REQUIRED, TERMINATION, EXPIRATION OF LICENSES, APPEAL UPON DENIAL OF APPLICATION.

- (A) A taxicab license may be issued by the Board of Selectmen upon the recommendation of the Chief of Police or his/her designee. The Chief of Police shall have the authority to deny a holder's request for a taxicab license if the requirements as set forth in sections (3) and (4) (B) (1-8) have not been satisfactorily met. No taxicab license may be issued unless each taxicab authorized to operate in the Town by a holder is licensed in accordance with the provisions of this section. Such license shall only be valid until December 31st of the current year unless earlier suspended or revoked under section 9 of this Ordinance, and must be renewed annually in the same manner and subject to the same terms and conditions as in the case of an initial application. Such taxicab licenses shall be non-transferable. No taxicab license shall be issued or continued in operation unless the holder thereof has paid the annual required fee for each vehicle operated under the license. A taxicab license must be signed by the chairman of the Board of Selectmen or his/her designee and shall be numbered in the order issued. Renewal taxicab licenses shall receive the same number as was issued on the original license. A taxicab license identification placard shall be issued bearing the name of the holder or applicant, a description of the vehicle so licensed, license number and expiration date. The taxicab license identification placard shall be conspicuously posted within the interior of the taxicab. The taxicab license identification placard is not valid unless it bears the signature of the Town Clerk or his/her designee.
- (B) Application for taxicab license. Application for a taxicab license shall be made on a form furnished by and filed with the Skowhegan Police Department. A nonrefundable license fee of fifty dollars (\$50.00) for each taxicab shall accompany the application. For new taxicab license application submitted within ninety (90) days prior to the vehicle permit year expiration date, the nonrefundable license fee for each taxicab shall be twenty-five dollars (25.00). Each completed application form shall be signed, verified by the applicant and contain:
- (1) The address of the applicant for purposes of any and all notices and other mailings required to be given under this Ordinance;
 - (2) The name, residence and business addresses, residence and business telephone numbers, date and place of birth of each person required to sign and verify the application form, and of each person having management authority in the business of the applicant.
 - (3) A record of conviction for any criminal offense punishable by incarceration for any period of time, regardless of whether a sentence of incarceration was in fact imposed or served, or a statement that no such conviction exists, for each applicant or holder identified in subsection (4) (a).

- (4) The identity of each municipality in which the applicant or holder identified in subsection (4) (a) has operated or is operating a taxicab service, whether the right to operate in any such municipality at any time has been suspended or revoked, and a detailed explanation of the reasons for and the circumstances surrounding any such suspension or revocation;
- (5) The number of taxicabs for which authorization to operate is sought;
- (6) The make, type, year of manufacture, vehicle identification number, registration plate number and seating capacity (including the driver) of each taxicab for which authorization to operate is sought;
- (7) Documentation that each taxicab is properly insured as required in section 5; and
- (8) Their rate fare schedule, unless the setting of rates is established by the Board of Selectmen.

Sec. 5. INSURANCE

- (A) Each taxicab shall be insured for the period over which the taxicab license is to remain in force, insuring persons and property from liability for injuries and damages resulting from the use and operation for such taxicab. The minimum insurance requirements for vehicles used to transport passengers for hire will be those set forth in Title 29-A M.R.S.A Section 1611 (2).
- (B) The underwriter, who insures each taxicab placed in operation by the holder, shall immediately notify the Town of Skowhegan, in writing, when:
 - (1) The policy has not been renewed or is cancelled by the holder; or
 - (2) The underwriter terminates the policy.
- (C) The holder of a taxicab license shall notify the underwriter of the requirements as set forth in section (5) (B) no later than the same day the policy is scheduled to go into effect.

Sec. 6. APPEAL OF DENIAL OF TAXICAB LICENSE.

If an applicant for a taxicab license is denied by the Chief of Police, the unsuccessful applicant may appeal such denial to the Board of Selectmen within ten (10) days after notification thereof is mailed to the applicant. An appeal from the decision of the Board of Selectmen may be taken to the Superior Court as provided by applicable law.

Sec. 7. FARE SCHEDULE POSTED; BOARD OF SELECTMEN SETTING RATES OF FARE; RATE REVIEW COMMITTEE.

(A) Taxicabs other than limousines. All taxicabs must conspicuously display within the interior of the taxicab a rate schedule which is visible to passengers in the front and rear seating compartment. Such rate schedule will indicate the fees for the following:

- (1) Cost per mile or part thereof; and
- (2) Transporting more than one passenger to the same destination; and
- (3) Handling luggage or groceries; and
- (4) Minimum call out after normal operating hours; and
- (5) Passenger requests to stand and wait.

(B) With the exception of limousines, the Board of Selectmen reserves the right to set rates of fare for all taxicabs licensed by the Town after a public notice and hearing;

(C) A rate review committee is an advisory board comprised of three (3) people who are appointed by the Board of Selectmen. The committee will meet upon the request of the Town Manager or Chief of Police. The committee will report its findings and make recommendations to the full Board of Selectmen regarding rates of a fare for holders approved to operate in the Town. The rate review committee will base its report, findings and recommendations on the following local issues and factors:

- (1) Mill rate;
- (2) Unemployment rate;
- (3) The holders business related expenses;
- (4) Cost of living adjustment;
- (5) Impact to citizens who rely on taxicabs for their primary or secondary source of transportation.
- (6) Rates comparable with other municipalities of like size and/or valuation.

Sec. 8. IDENTIFICATION AS TAXICAB.

In addition to the exterior lights required by law, each taxicab shall be equipped with an identity light attached to its roof. Such identity light shall be constructed in one unit not exceeding eight (8) inches in height and twenty-three (23) inches in length and shall consist of an illuminated plate or cylinder upon which is printed "taxicab" or the name of the owner. Such identity light shall be illuminated during the period between sunset and sunrise when the taxicab

is available for hire. Each taxicab shall be identified by the permanent placement on the exterior of one door on each side of the taxicab one of the following:

- (A) The name of the owner and word “taxicab” or “taxi” or “cab” in letters at least two and one-half (2 ½) inches high; or
- (B) A graphic design, logo, or insignia at least eight (8) inches in diameter and which contains the owner’s name or trade name and the word “taxicab” or “taxi” or “cab”.
- (C) This section does not apply to limousines.

Sec. 9. SUSPENSION, REVOCATION OF LICENSE; HEARING.

A taxicab license issued under the provisions of this Ordinance may be revoked or suspended by the Board of Selectmen for a period not to exceed ninety (90) days if the holder thereof has:

- (A) Knowingly made an incorrect statement of a material nature in support of its application; or
- (B) Terminated, allowed to lapse, or fails to meet the minimum requirements for taxicab vehicle insurance as specified under section 5; or
- (C) Consistently demonstrated a conscious disregard in the operation of his/her taxicab service for the public health, safety and welfare, and for the safe care, custody and transportation of passengers; or
- (D) Consistently been operating in violation of section 10 of this Ordinance relating to taxistands and solicitation; or
- (E) If so equipped, the taximeter or any part affecting the operation of the taximeter has been adjusted to intentionally misrepresent the distance actually traveled by the taxicab or other information required to be measured by the taximeter, by or with the knowledge of the holder; or
- (F) Failed to provide those vehicle accessories needed for the safe operation and transportation of passengers by a taxicab driver who has a physical disability; or
- (G) Failed to conspicuously post the taxicab license identification placard within the interior of the vehicle.

Sec. 10. TAXISTANDS AND SOLICITATION.

The Board of Selectmen may assign to each and every licensed taxicab owner a suitable taxistand space on public streets and ways.

- (A) Standing in other than designated areas prohibited. In other than assigned taxistand, no holder shall permit their licensed taxicab to solicit passengers in any public place, street, lane, avenue, drive or square.
- (B) Passenger solicitation. No driver of a taxicab shall solicit any passenger or passengers within fifty (50) feet of such assigned taxistand except while parked therein.

Sec. 11. TAXICAB DRIVER'S PERMIT REQUIRED; APPLICATIONS; ISSUANCE OF PERMIT; APPEAL UPON DENIAL OF APPLICATION; IDENTIFICATION CARDS; TERM OF PERMIT.

It shall be unlawful for any person to operate a taxicab or limousine for hire in the Town without first having obtained a taxicab driver's permit in accordance with the provisions of this section. Such permit shall only be valid until December 31st of the current year unless earlier suspended or revoked. Permits shall be renewed annually in the same manner and subject to the same terms and conditions as an initial application. A taxicab driver's permit may be issued by the Town's Board of Selectmen upon the recommendation of the Chief of Police or his/her designee. The Chief of Police shall have the authority to deny a taxicab driver's permit if the applicant has not fulfilled or met the requirements as set forth in section 11 (A) (1-6), section 11 (B) (1,2), section 12 (A) or has disqualifying criminal or motor vehicle conviction as set forth in section 12 (B) (C) (D). In order to be valid, a taxicab driver's permit application must be approved by the chairman of the Board of Selectmen or his/her designee and shall be numbered in the order issued. Renewed driver permit applications shall receive the same number as was issued with the original permit.

(A) Application for permit. Application for taxicab driver's permit shall be made on a form furnished by and filed with the Skowhegan Police Department. A nonrefundable permit fee of twenty-five dollars (\$25.00) shall accompany the application. For new taxicab driver's permit applications submitted within ninety (90) days prior to the expiration of the driver permit year, the nonrefundable permit fee shall be twelve dollars and fifty cents (\$12.50). A completed application form shall be signed, verified by the applicant and contain:

- (1) The address of the applicant for purposes of any and all notices and other mailings required to be given under this Ordinance;
- (2) A record of conviction for any criminal offense punishable by incarceration for any period of time, regardless of whether a sentence of incarceration was in fact imposed or served, or a statement that no such convictions exist;
- (3) The identity of each municipality in which the applicant has operated a taxicab for hire, whether the right to operate in any such municipality has

ever been suspended or revoked, and a detailed explanation of the reasons for and circumstances surrounding any such suspension or revocation;

- (4) A record of conviction of any moving violation, the date of such conviction, the punishment imposed, and the location of the court in which such conviction was entered, or a statement that no such conviction exists;
 - (5) Authorization by the applicant to all persons and governmental agencies having information relevant to subsection(A) (1) through (A) (4) above to release upon request of the police department such information which may aid their determination of whether to issue, suspend or revoke a taxicab driver's permit; and
 - (6) Such other information as the applicant deems appropriate or as the police department may reasonably require to protect the public health, safety and welfare, and to ensure the safe care, custody and transportation of customers.
- (b) Evidence in support of application. In addition to filing a completed application form, an applicant for a taxicab driver permit must satisfy each of the following requirements;
- (1) Present a valid State of Maine operator's license;
 - (4) Demonstrate to the satisfaction of the Chief of Police or his/her designee, by submission of two (2) letters of character references, that the applicant is at present of such good moral character that he/she can be entrusted with the safe care, custody and transportation of taxicab passengers; provided, that conviction of any criminal offense identified in subsection (A) (2) above shall create a rebuttal presumption that the applicant does not satisfy the requirements of this paragraph.
- (c) Identification card. An identification card will be issued to the taxicab driver bearing the name and photograph of the permittee and the driver permit number. An identification card is not valid unless it bears the signature of the Town Clerk or his/her designee. Identification cards must be conspicuously visible upon the clothing of the permittee at all times while operating a taxicab within the Town of Skowhegan.

Sec. 12. DENIAL OF TAXICAB DRIVER PERMIT.

An application for a taxicab driver's permit shall be denied if the applicant;

- (A) Is under the age of eighteen (18) or does not have a valid State of Maine operator's

license; or

- (B) Has a disqualifying criminal record based on a conviction in the State of Maine for crimes of felony murder, manslaughter, gross sexual assault, kidnapping or an equivalent offense in another State.
- (C) Has a disqualifying criminal record based on a conviction within the past three (3) years for burglary, elevated aggravated assault, aggravated assault, unlawful sexual contact, visual sexual aggression against a child, sexual misconduct with a child under fourteen (14) years of age, theft by deception or unauthorized taking or transfer where the value of the property exceeds two-thousand dollars (\$2,000.00), perjury, robbery, aggravated promotion of prostitution, unlawful trafficking in scheduled drugs, aggravated trafficking or furnishing of scheduled drugs, unlawfully furnishing scheduled drugs and trafficking in hypodermic apparatuses or an equivalent offense in another State.
- (D) The applicant has been convicted during the preceding two (2) years of operating or attempting to operate a motor vehicle while under the influence of intoxicating liquor or drugs, operating to endanger or an equivalent offense in another State.

Sec. 13. APPEAL OF DENIAL OF PERMIT.

If an applicant for a taxicab drivers permit is denied by the Chief of Police, the unsuccessful applicant may appeal such denial to the Board of Selectmen within ten (10) days after notification thereof is mailed to the applicant. An appeal from the decision of the Board of Selectmen may be taken to the Superior Court as provided by applicable law.

Sec. 14. SUSPENSION OR REVOCATION OF TAXICAB DRIVER PERMIT.

The Board of Selectmen may, after notice to the permittee and public hearing, suspend for a period of not more than ninety (90) days or revoke the permit of a taxicab driver if the Board of Selectmen find:

- (A) That the permittee has been convicted of a traffic or criminal violation while transporting a passenger in a taxicab; or
- (B) That the permittee has consistently failed to wear the identification card issued to him as required under section (11) (C) of this Ordinance; or
- (C) That the permittee has a disqualifying criminal conviction as indicated in section 12 (B) (C) (D) of this Ordinance; or
- (D) That the permittee in one or more instances knowingly took a longer route to the requested destination than was necessary, unless so requested to do so by the passenger; or

- (E) Knowingly conveyed any passenger to a place other than that to which the passenger specified; or
- (F) Transporting any person other than the passenger first engaging the taxicab without the expressed consent of such first passenger; or
- (G) Upon demand of a passenger, failing to render to such passenger a receipt for the amount paid. Such receipt shall bear the name of the owner, name of the taxi, the date of the transaction and the amount paid; or
- (H) The permittee has a physical disability and is operating a taxicab which isn't modified with the accessories needed for the safe operation of the vehicle and transportation of passengers; or
- (I) If so equipped, adjusts the taximeter to intentionally misrepresent the distance traveled by the taxicab or other information required to be measured by the taximeter.

Sec. 15. TAXIMETER

(A) Each taxicab, which is equipped with a taximeter tested, approved, and sealed by the sealer of weights and measures, shall accurately measure the distance traveled by the taxicab and the fare being charged. Said taximeter shall be adjusted to accurately calculate no more than the maximum posted rates of fare as set forth in section 7 or by the Board of Selectmen. The taximeter shall clearly show the fare in clear and distinct figures and shall clearly show the type of fare being charged mileage and/or time. The taximeter shall be placed so that the dial thereof is in plain view of the passenger while being transported in such taxicab and shall be illuminated during the period between sunset and sunrise to enable the passenger to read the figures indicated thereon. If so equipped, taximeters shall be permanently affixed to the taxicab and sealed by the sealer of weights and measures. Upon request, it shall be the responsibility of the holder to submit his/her taxicab or taxicabs for inspection to the sealer of weights and measures, Chief of Police or Town Manager. If upon inspection of the taximeter, the sealer of weights and measures determines that the taximeter meets the requirements of this section, he/she shall then issue a statement to the holder indicating the same.

- (B) After public notice and hearing, the Board of Selectmen may require all taxicabs licensed to operate in the Town to be equipped with taximeters.
- (C) The holder shall be responsible for any and all fees associated with the testing by and the approval of the taximeter by the sealer of weights and measures.
- (D) This section does not apply to limousines.

Sec. 16. PENALTIES

(A) Any holder who violates any provision of section 2 of this Ordinance commits a civil violation for which a forfeiture not to exceed three hundred dollars (\$300.00) may be adjudged for each and every offense. Any such civil forfeiture may be in addition to any suspension or revocation imposed in accordance with the provisions of section 9.

(C) Any taxicab driver who violates any provisions of section 11 of this Ordinance commits a civil violation for which a forfeiture not to exceed three hundred dollars (\$300.00) may be adjudged for each separate offense. Any such civil forfeiture may be in addition to any suspension or revocation imposed in accordance with the provisions of section 14.

Sec. 17. TEMPORARY TAXI DRIVER AND TAXICAB PERMITS

Within fourteen (14) days from the date of the application and upon the approval from the Chief of Police and the Town Manager, or their designees, temporary taxi driver and taxicab permits may be issued pending final approval from the Board of Selectmen. Persons issued temporary taxi driver and taxicab permits must comply with all applicable provisions of this Ordinance.

Final approval of taxi driver and taxicab permits by the Board of Selectmen must occur within sixty (60) days of the receipt of the application.

Upon written notice, temporary taxi driver permits may be revoked by the Chief of Police and the Town Manager, or their designees, for violations of Sections 9 and 14. Temporary taxi driver permits shall be revoked for violations of Sections 12 (b), (c), or (d).

Upon written notice, temporary taxicab permits may be revoked by the Chief of Police and the Town Manager, or their designees, for violations of Section 3. Temporary taxicab permits shall be revoked for violation of section 5 (a).

Sec. 18. SEVERABILITY

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.