

Town of Auburn, Massachusetts

Julie A. Jacobson
Town Manager



Board of Selectmen

Scott C. Wrenn, Chairman
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Section 300

BOARD OF SELECTMEN POLICY

TAXI CAB REGULATIONS

PREAMBLE

The Board of Selectmen pursuant to the provisions of Section 6.01 of the Auburn Home Rule Charter and Section 22 of Chapter 40 of the Massachusetts General Laws as authority to adopt regulations relative to the licensing and operation of taxicab services in Auburn. Pursuant to such authority the regulations herein are hereby adopted this 29th day of May, 2012; and may, after providing public notice, conduct hearings to amend the Regulations. Any such amendments shall not take effect until published or posted in accordance with applicable law.

1. DEFINITIONS

The following words used in these Regulations shall have the following meanings, unless a different meaning is clearly apparent from the language or content.

- A. "Applicant": – Any person, partnership, or corporation who petitions the Town for the licensing of a taxi cab business or drivers permit.
- B. "Board of Selectmen": – The Auburn Board of Selectmen, the "Board."
- C. "Certificate" - A certificate issued by the Board of Selectmen to a specific vehicle.
- D. "Designee": – A person designated by the Chief of Police with delegated authority.
- E. "Driver": – An approved applicant who meets all the requirements of these Regulations and holds a valid permit to drive or operate a licensed taxi in Auburn.
- F. "Driver's Permit": – A permit issued to a driver who meets the terms and conditions of these Regulations to operate a taxicab.
- G. "Licensing Authority": - Auburn Board of Selectmen, regulating authority for taxi business licenses and for taxi drivers permits.
- H. "May": An option or alternative
- I. "Chief of Police": The Chief of Police of Auburn.
- J. "Shall": A mandated requirement.

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- K. "Taxicab" or "TAXI" or "TAXICAB" or "VEHICLE": A motor vehicle, having a certificate of registration issued by the Commonwealth in the name of a taxicab business as a taxi, which is issued a certificate by the Town upon the approval of the business license for use in the conveyance of persons or goods for hire from place to place.
- L. "Taxicab capacity": The seating capacity of a taxicab as determined by the manufacturer's specifications listed for the vehicle.
- M. "Trip record or Log": A document maintained daily by the licensed owner setting forth the origin and destination of each trip, fare paid, starting and completion time of the trip, the taxicab driver's name, the license plate number or other designation to identify the taxicab, and other entries required by the Board or Police Department.
- N. "Violent crime": A violent crime for the purpose of this section and these Regulations, is any "crime which could have been punished by a term exceeding one year, or any act of juvenile delinquency involving the use or possession of a deadly weapon that would be punishable by imprisonment for such term if committed by an adult, that (a) has an element of the use, attempted use or threatened use of physical force or a deadly weapon against the person of another (b) is burglary, extortion, arson or kidnapping; (c) involves the use of explosives; or (d) otherwise involves conduct that presents a serious risk of physical injury to another." This definition includes simple "assault" "assault and battery" and "burglary".

2. AUTHORITY OF THE BOARD

- A. The Board of Selectmen shall have the exclusive authority to determine the number of taxicab businesses to license, the number of taxicab certificates issued to each business license and driver permits. Such determination shall be based upon serving the needs and convenience of the public and best interests of the Town.
- B. Nothing herein contained shall be construed as prohibiting a driver of a taxicab or other private vehicle, licensed to perform such service within Auburn or by the Commonwealth, from driving through Auburn or from accepting passengers or goods if summoned at the request of such passenger or client, by means of a telephone or radio dispatch from their principal place of business.
- C. If at any time, the Board becomes aware of information that a taxicab business owner or driver no longer meets the terms or conditions of these Regulations, the Board, after a public hearing, may suspend or revoke the taxi business license or driver permit or take any action thereof. The Board shall specify in writing, the reason for the suspension, revocation or modification, to such owner and/or driver.
- D. The Board shall set the rates for taxi fares.
- E. The Board shall set the rate for violations.
- F. The Board shall set the annual fees for certificates and driver permits.

- G. Should the Board deny or revoke an applicant of a Taxicab Business License or Drivers Permit for noncompliance, the Board shall notify the applicant within 30 days and specify in writing the reason for such revocation or denial. The holder of any taxi vehicle certificates or affected drivers permits shall return them forthwith.

3. **POLICE CHIEF OR DESIGNEE - AUTHORITY**

- A. The Board of Selectmen as the Licensing Authority designates the chief of police or designee as agents of the Board for all purposes related hereto. The chief or designee is granted the authority to review all applications and annual renewals including all required documentation to ensure thoroughness and validity and to enforce all regulations of the Board. The chief or designee is further authorized to conduct C.O.R.I. based criminal and driver history checks and make determinations and assessments as to the suitability of applicants pursuant to these Regulations. The chief or designee may make recommendation to the Board regarding approval, denials, revocations, restrictions, limitations, or any other matter related to taxi business license or driver permit. The chief or designee may recommend amendments or changes to these Regulations or any other matter as it relates to and in the interest of public safety. Upon determination an applicant is not suitable; the Board shall not hold a public hearing unless the determination is overruled in a Court.
- B. After a review of the aforementioned criminal and drivers histories and any other information that may come to his or her attention, the chief of police or designee shall make an assessment as to the suitability of the applicant for a taxi License or drivers permit in accordance with these regulations and report that determination in writing to the applicant and advise the Licensing Authority within 30 days. In the event of a determination of non-suitability, one copy of the criminal record or driver history referenced shall be sent to the applicant in accordance with the law.
- C. The chief or designee may at any time, order a random compliance inspection of any vehicle for hire, licensed under these Regulations. Compliance checks are for administrative purposes to examine certificates, permits, vehicular markings, driver licenses, registrations, fare cards, trip reports, inspection stickers, vehicle conditions, etc. Said compliance inspections shall not limit a police officer's ability to stop any vehicle for hire, at any time, for any reasonable suspicion of violations of Bylaws, these Regulations and or state statutes.
- D. The chief or designee may conduct annual administrative inspections, within 30 days of the successful completion of the required annual MassDOT vehicular inspection and any other duties as required or determined by the Licensing Authority and this Regulation.
- E. The chief of police or designee on behalf of the Board shall report to the Massachusetts Department of Transportation, specifically the Registry of Motor Vehicles, any suspension, revocation, expiration or denial of a taxi business license and any vehicle (taxi) registrations listed thereon.

4. TAXI BUSINESS LICENSE APPLICATION

- A. Each taxi business license owner shall at the time of application or renewal, consent to release of their criminal and driving history. (See Section 8, LICENSE AND PERMITTING FEES)
- B. A partnership or corporation shall file with the application, a certified copy of the partnership certificate or certificate of incorporation; and shall have one officer or member of the corporation or partnership who has attained the age of twenty-one (21) years.
- C. The address set forth in the taxicab license application shall be considered the address of record for all official business correspondence between the Town and the licensee.
- D. All taxicab business license owners shall comply with Massachusetts General Law, Chapter 62C Section 49A, which states that they have complied with all laws of the Commonwealth relating to taxes, prior to receiving their license or renewal from the Board. Failure to comply shall result in denial or revocation of the taxi business license.
- E. Taxi Business License applicants shall meet the following list of conditions, failure or inability to meet these requirements shall result in non-issuance, denial or revocation of the license:
- Applicants are required to be over twenty-one 21 years of age
 - Applicants must hold a valid Massachusetts driver's license. (That license shall be status active, not revoked, suspended, conditional, probationary, restricted or held on a non-renewable status.)
 - Applicants are required to present a copy of their Social Security Card
 - Applicants must not have any outstanding monetary or other obligations to the Department of Motor Vehicles, State of Massachusetts, or Town of Auburn
 - Applicants are required to submit a completed Auburn taxi license application
 - Applicants are required to have their fingerprints and have photographs taken by the Auburn Police Department
 - Applicants must pay the required costs (See Section 8, LICENSE AND PERMITTING FEES)
 - Payment transaction must be complete
 - Applicants must submit or approve the appropriate Criminal Offender Record Information (CORI) request form
 - Any other requirements of the licensing authority or chief of police
- F. In addition to the above requirements, each applicant for a taxi license shall make complete application to the Board of Selectmen upon a form to be developed by the Board. The applicant shall provide:
- business name and address
 - name of business owner
 - any aliases used
 - local address from which the business will be operating
 - how fares will be calculated
 - copy of fare card
 - hours and days of operation

- a written description of the services to be provided
- description of all vehicle(s) registration number and vehicle identification number
- a copy of a valid vehicle safety and emission inspection of each vehicle
- a copy of a valid registration for each vehicle and proof of insurance or bond for the same
- the applicant's date of birth
- two passport sized photos
- height, weight, hair color, eye color, driver's license number, expiration date
- any other information the licensing authority shall deem necessary for processing

5. TAXI BUSINESS LICENSE - CERTIFICATE ISSUE

- A. A taxi business license application may contain one or more taxi vehicles information. The Board shall determine the number of taxi certificates to be issued per approved license and specify vehicles by registration and vehicle identification number (VIN), and external marking number. In no case shall a certificate be issued to a non-existent vehicle.
- B. Additional vehicles may be added to a taxi business license previously approved by making a request to the Board. Upon their approval the taxi(s) may be added to license application. The additional vehicle(s) shall require the submission of all required documentation, completed payment transaction and, if approved, a certificate shall issue.
- C. Authorized taxi license certificates shall bear upon its face, the Town of Auburn Seal, the Trademark name and address of the taxi service, the fee paid, the date of its issue, the date of expiration, the name and address of the owner as well as the license plate number and corresponding vehicle identification numbers (VIN) of each vehicle. The certificate shall contain a description of any modifications, restrictions or limitations as determined by the Board. The certificate shall be signed by the Town Manager on behalf of the Board.
- D. All taxi licenses and permits shall expire on the 31st day of December following the date of issuance and may be renewed annually.

6. TAXI BUSINESS LICENSE TRANSFER

- A. Taxi business license certificates and drivers permits are not transferrable.
- B. Taxis issued a certificate under the business license may be transferred to replacement vehicles within the same taxi service license for the required fee. All applications must be updated.

7. TAXI DRIVER PERMITS

- A. Prior to making an application for a taxicab driver's license, the taxicab business owner shall determine that, in addition, the applicant is familiar with the geography, roads and traffic regulations within the Town of Auburn; can by reason of experience, training or both, safely operate the type of motor vehicle he or she is to be assigned; and can read and speak the English language sufficiently to converse with the general public, to understand authorized traffic signs in the English language, to respond to official inquiries

- B. In addition to the requirements enumerated in the section titled TAXI LICENSE /PERMIT REQUIREMENTS any person desiring to operate a taxi shall obtain a driver's permit from the Board of Selectmen. The applicants shall provide:
- name, address, and telephone number of the applicant
 - two passport sized photographs
 - the name of licensed taxi company they are driving for
 - the applicant's date of birth
 - any aliases used
 - applicants must pay required fees (See Section 8, LICENSE AND PERMITTING FEES)
 - payment transaction must be complete
 - copy of social security card
 - height, weight, hair color, eye color, driver's license number, expiration date, and,
 - any other information the Board of Selectmen or Chief shall deem necessary for processing and identification
- C. The application shall include an Authorization for Release of Information Form, two passport sized photos and any other information the Board of Selectmen or its Designee shall deem necessary.
- D. All taxicab drivers permit applicants shall conform with Massachusetts General Law, Chapter 62C Section 49A, which states that they have complied with all laws of the Commonwealth relating to taxes, prior to receiving their permit or renewal from the Board.
- E. Authorized driver's license certificates shall bear upon its face, a current passport photograph, the Town of Auburn Seal, the name and address of the applicant, their Massachusetts driver's license number, Trademark name and address of the taxi service, the fee paid, the date of its issue, and the date of expiration. The certificate shall contain a description of any modifications, restrictions or limitations as determined by the Board. The certificate shall be signed by the Town Manager on behalf of the Board.
- F. Each taxi driver permit applicant shall, at the time of application or renewal, consent to release of their criminal and driving history. (See Section 9, LICENSE AND PERMITTING FEES)
- G. All taxi driver permits expire on the 31st day of December following the date of issuance and may be renewed annually.

8. LICENSE AND PERMITTING FEES

- A. A fee of \$50.00 shall be paid to the Town of Auburn for each taxi certificate as authorized or limited by the Board.
- B. A replacement fee of \$25.00 shall be paid to replace a lost taxi certificate or drivers permit.

- C. A transfer fee of \$25.00 shall be assessed to transfer a taxi certificate listed on the license application to a replacement taxi.
- D. A fee of \$30.00 shall be paid to the Auburn Police Department by the taxi business license or driver applicant for fingerprinting.
 - i. A taxi business license who is the holder a valid taxi certificate is additionally required to obtain a drivers permit to drive a taxi. A fee of \$25.00 shall be assessed.
- E. Fees shall be collected upon submission of any application, paid in full, and applied toward processing and administrative costs; therefore, even in cases of license or permit denials or revocation, all fees are non-refundable in whole or in part. Checks that are returned by the bank as non-payable will automatically result in a rejection of the application.
- F. Certificates issued to a Taxi business license and or drivers permit fees shall not be pro-rated.

9. TAXI BUSINESS LICENSE/PERMIT EXPIRATION –EXTENSIONS

- A. All taxi business licenses or driver permits shall expire on the 31st day of December following the date of issuance and may be renewed annually.
- B. An owner or driver seeking late renewal of their application may upon written request to the Board of Selectmen, be granted an extension until the last day of February in the subsequent calendar year. Otherwise operating on an expired license or permit is invalid and subject to prosecution.

10. CRIMINAL OFFENDER AND DRIVER HISTORY RECORD CHECKS

- A. The Chief of Police or designee shall conduct an inquiry and make assessment of any criminal or driver history record, which may disqualify the applicant from acquiring such license.
- B. Any costs associated with criminal or driver history checks, fingerprinting, photographing and any other background investigation costs or other processing fees are the responsibility of the requestor.
- C. Any falsification of information submitted in an original or renewal application for a license or any failure to notify the Board of any material change in the information contained therein shall be cause for denial or revocation of such application.
- D. Upon application and annual renewal, applicants for a taxi business license and or drivers permit shall be required to authorize a release of information granting the Board and the Chief or designee permission to request full disclosure of all records including driving records, or any part thereof, concerning him or herself, from any entity whether said records are public, private or confidential in nature.

- E. If the Town of Auburn adopts the provisions of M.G.L. Chapter 6, § 172B½, as a bylaw, requiring fingerprint based state and national criminal history checks (C.O.R.I.) of license applicants for taxi business licensee and/or taxi driver, the provisions of that law shall apply and shall supersede these Regulations where applicable. The sections of this regulation unaffected by said law shall remain severable and in effect.
- F. The Chief or designee may make recommendations to the Board to deny, withhold, grant, amend, suspend modify or revoke a license or permit at any time.

11. SUITABILITY – DENIAL OF APPLICANT

- A. To promote the safety and welfare of residents and travelers, a taxi business license or drivers permit shall not be issued to anyone who is determined to be unsuitable by the chief of police or designee in accordance with these Regulations, unless overturned by a Court. Further a license or permit shall not issue to anyone who refuses to authorize a release of information form or meet any other requirement of the application or renewal process.
- B. A taxicab business license or driver's permit shall not issue or shall be revoked if the applicant has, in any state or federal jurisdiction:
 - i. been convicted of or adjudicated a youthful offender or delinquent child;
 - ii. been convicted as a sex offender;

A taxicab business license or driver's permit shall not issue or shall be revoked if the applicant has, in any state or federal jurisdiction, been convicted or admitted to sufficient facts in the commission of:

- i. a felony within ten (10) years from the date of the submission of the application; or
- ii. under complaint or indictment for a felony crime (open case); or
- iii. any violent crime, or
- iv. under complaint or indictment for a violent crime; as defined herein; or
- v. a felony at any time that involved a violation of the controlled substance law as defined in section 1 of chapter 94C; or
- vi. operating a motor vehicle under the influence of alcohol or drugs within (5) years.

A taxicab business license or driver's permit shall not issue or shall be revoked if:

- i. on reasonable grounds, the applicant's driver history demonstrates a prevalence to violate the traffic laws; or
 - ii. the applicant is under the supervision of the court; or
 - iii. any other reasonable grounds to cause the chief of police or designee to deny such application.
- C. Should an applicant be denied by the chief of police or designee for suitability reasons he or she shall notify the applicant in writing within 30 days. The chief or designee shall specify in writing the reason for such denial. Applicants denied for suitability reasons shall have the right of appeal to a Court of competent jurisdiction.

12. BUSINESS OWNER RESPONSIBILITY

- A. The taxi licensee or owner is responsible for conduct and actions of drivers while operating taxis. The taxi licensee or owner is also responsible for preventative maintenance, inspections, cleanliness, logs, records, fees, and any other requirements of these Regulations or stipulations of the Board.
- B. The taxi service owner is responsible for conducting periodic inspections of their driver's Massachusetts operator's license to ensure the license remains in good order and is kept on their person while they are driving.

13. MANDATORY REPORTS TO THE LICENSING AUTHORITY

- A. The holder of a license to operate or manage a taxi or livery service, must within twenty-four (24) hours of its occurrence, report the following to the Board of Selectmen:
 - A violation by the license holder or any driver;
 - Any motor vehicle accident involving a vehicle utilized by the taxi service;
 - The cancellation of the taxi service motor vehicle liability insurance policy or bond for any vehicle so licensed and issued a certification;
 - The suspension or revocation of a taxi registration;
 - Suspension or revocation of driver's Massachusetts license;
 - Suspension or revocation of driver's license or right to operate in any other state;
 - A licensed business owner or driver must give notice of any change of address, by certified mail, of any such change in writing to the Licensing Authority; or
 - Any allegation of non-discretionary criminal offense by the licensee/ owner or driver.

14. FARES

- A. The scheduled maximum rates of fare for licensed taxicab services shall be determined by the Board at a public hearing within 30 days prior to the annual expiration of a taxicab business license, an owner may request a change in the rates of fare, at a public hearing conducted by the Board for this purpose. The Board shall determine any such change in the schedule of the rates.
- B. Every owner, driver or person having charge of a vehicle for hire for transportation of passengers shall place upon the back of the front seat a card having plainly printed thereon, rates of fare, including any charge for waiting time, established and charged for the particular vehicle. A copy of such card shall be filled and approved by the Board of Selectmen as part of the application process.
- C. No owner, driver or person having charge of a vehicle shall demand or receive a higher rate than that printed on the card or shall be demanded or receive a higher rate than that established by the Board of Selectmen. A driver shall give the correct change to a passenger who has paid the fare. A driver shall not ask a passenger for a tip nor indicate that a tip is expected or required. There shall be no charge for the standard handling of a passenger's luggage or other property

transported in or on the taxicab. Any rate charged exclusively for the handling of oversized or heavy possessions shall be determined by the Board.

- D. A driver shall comply with the reasonable requests of a passenger, including but not limited to giving his or her name upon request. Upon request of a passenger, the driver shall load or unload property in or from the taxicab's interior or unload a passenger's luggage from the trunk compartment. A driver shall take a passenger to the specified destination within a reasonable time. The sound emanating from an AM/FM radio or other electronic device shall be turned off at the request of the passenger. A driver must always be capable of making change for a twenty-dollar (\$20) bill.

15. TAXI VEHICLE CONDITIONS

A. Interior:

- All taxicabs affected by these Regulations shall be properly registered to an existing Auburn address, inspected and insured per requirements of the Commonwealth and shall not lapse.
- The taxi certificate assigned to that taxi and drivers permit shall be displayed at all times, in full view of passengers, while driver is on duty.
- The interior (driver's compartment, rear seat area and trunk) shall be vacuumed, clean and sanitary at all times.
- The windows and partition shall be clean and the view shall not be obscured to any degree.
- Interior surfaces must be intact. Seats free of tears. Floors free of holes and covered completely with carpet or rubber matting.
- Seats must function properly and all seat belts shall be operable and available for all passengers.
- There shall be NO SMOKING by driver or passenger in a taxicab or livery service vehicle at any time.

B. Exterior:

- All taxicabs and livery service vehicles licensed under this section shall have the trade name of the owner, "AUBURN" and a number designating which vehicle in a fleet, lettered in black on the sides thereof in letters not less than four inches high and one half inches wide.
- No advertising matter shall be permitted in or upon the taxi without the authorization of the Board of Selectmen approved in writing at the time of application or renewal process.
- All safety equipment of any type including lights, glass, signals, and windshield wipers and bumpers must be intact.
- All tires must meet the Registry of Motor vehicle standards for tread depth.

16. TAXICAB - DECLARED "OUT OF SERVICE"

- A. A police officer may declare a taxicab immediately "Out of Service", upon the determination by an officer, by reasonable grounds, that a condition which would likely affect the safe operation of the vehicle; or does not meet the regulations as stated herein.

17. TAXICAB -RETURN TO SERVICE.

- A. Before a taxicab is returned to service after declared "Out of Service" by a police officer, the taxi license owner shall cause the taxicab to be presented to the Auburn Police Department for a re-inspection; or present documentation that the necessary repair was completed.

18. TRIP RECORD

- A. Each owner of a taxicab business license shall personally, or by an agent, inspect, repair and clean the interior and exterior of such vehicle on each day that the vehicle is operated. Such inspection shall be for the purpose of maintaining vehicle compliance with these Regulations. The time, place and person performing such inspection shall be recorded on the trip record. Taxi drivers shall complete a daily trip record for each shift documenting every fare from point of origin to point of destination (updated after each fare).
- B. The trip record shall include:
- Name of driver and taxi license plate number
 - The start and end time of driver shifts
 - The time and place of pick-up and the time and place of destination
 - The fare collected
 - Articles found in vehicles after the departure of passenger(s)
- C. Each and every owner of a taxicab business license shall supervise the recording and maintenance of a trip record for each vehicle as required. Such licensee must verify daily that the daily trip record has been properly prepared and accept the trip record for filing at the end of each day. Such licensee shall retain records for a period of not less than two (2) years. Such trip record shall, upon request, be open to inspection and retained by the Chief of Police or any police officer.

19. CHILD PASSENGER RESTRAINT

- A. Parents or caregivers traveling with a child who is under the age of 8 (unless such passenger measures more than 57 inches in height) shall supply child restraint seat.
- B. Section 7AA of M.G.L., Chapter 90 states a passenger in a motor vehicle (taxi) on any way who is under the age of 8 shall be fastened and secured by a child passenger restraint, unless such passenger measures more than 57 inches in height. The child passenger restraint shall be properly fastened and secured according to the manufacturer's instructions.

- C. Unless required to be properly fastened and secured by a child passenger restraint under the preceding paragraph, a passenger in a motor vehicle on any way that is under the age of 13 shall wear a safety belt which is properly adjusted and fastened according to the manufacturer's instructions.

20. DRIVER CONDUCT AND APPEARANCE

- A. A taxi driver licensed in Auburn shall present any document, including their Taxi Certificate, drivers permit, fare card, valid Massachusetts driver's license, and license plate registration, upon the demand of a police officer.
- B. A driver shall be relieved from duty for a period of not less than 8 consecutive hours during a 24-hour period. A licensed owner and a driver shall comply with all regulatory laws relevant to the hours of operation for taxicab drivers. Start time and end of shift shall be entered in the daily trip record.
- C. A driver shall be at all times dressed in a neat and clean fashion, and shall wear shoes or sneakers.
- D. Drivers shall conduct themselves in a courteous and professional manner at all times. A driver shall not interfere with the business transactions of another taxicab or engage in any activity which impedes the movement of vehicular or pedestrian traffic on a public way.

21. DRIVERS OR LICENSE OWNERS TO REPORT TO POLICE

- A. The Chief of Police or designee may request a meeting of any taxi business owner or driver. Failure to answer fully and truthfully any inquiries related to violation(s) or failure to attend or refusal to cooperate with any investigation or inquiry may be handled as a violation and or reported to the Board for their action or both.

22. USE OF ALCOHOL AND OR CONTROLLED SUBSTANCE PROHIBITED

- A. No driver shall while on duty take or be under the influence of or consume any alcoholic beverages. No driver shall, whether on or off duty, purchase, sell; possess any controlled substance as defined by M.G. L. 94C.

23. DRIVER CONFORMITY WITH THE LAW

- A. Drivers of taxis shall at all times operate them in accordance with the laws of the Commonwealth of Massachusetts and these Regulations. A driver shall not knowingly give direction, information or transportation to a person seeking a place or person for illegal purposes including, but not limited to, the purchase or acquisition of controlled substances within the meaning of M.G.L. Chapter 94C.

24. DRIVERS TO REPORT CRIMES AND SUSPICIOUS ACTIVITIES

- A. Every driver shall report to police any crimes or suspicious activities of persons or passengers that he or she may observe.

25. INSPECTIONS

- A. At least once annually the chief of police or designee shall administratively inspect and examine all trip record books, vehicles, certificates, driver permits and any and all records pertaining to any taxi business license in the Town of Auburn to determine if they comply with all MA General Laws, these Regulations and all other local by-laws or ordinances. Thirty (30) day written notice shall be given to the license holder of the date, time and location of said inspection. The Chief or designee shall report their findings to the Board.

26. ACCOMMODATION ANTI-DISCRIMINATION CLAUSE

- A. As a place of public accommodation, a taxicab business licensed by the Town shall reasonably afford full and equal accommodations, advantages, facilities and privileges to all persons, subject only to the conditions and limitations established by law.
- B. Any act of adverse treatment, distinction, discrimination, or restriction because of a person's race, color, religious creed, national origin, sex, sexual orientation, physical disability, or mental disability shall be deemed an unlawful act of discrimination.

27. TAXI SERVICE & PEOPLE WITH DISABILITIES

- A. A driver shall not refuse to serve any person with a disability who is able to use taxi vehicles.
- B. A driver shall not charge higher fares or fees for carrying individuals with disabilities and their equipment than that charged to other persons.
- C. A driver shall provide assistance with the stowing of mobility devices (wheelchairs, walkers, etc.).
- D. If a taxi business licensee purchases any new vans (including minivans) then they must purchase handicapped accessible vans. (This requirement is not applicable if the taxi company purchases new or used sedans or used vans.)
- E. All owners, employees, and drivers of a taxi service shall receive annual training on assisting disabled persons.

28. SERVICE ANIMALS

- A. A disabled person hiring a taxi for transportation with a service dog shall not be denied transportation. The dog and handler shall be allowed to occupy the rear passenger seat of the vehicle. No additional fare or fee shall be charged and under no circumstance shall the service dog be placed in the trunk for transport.

29. LOST PROPERTY

- A. Drivers shall, immediately after delivering any passenger, inspect the Taxi for any property, which may have been left behind by the passenger(s). Any property found in the vehicle shall be immediately delivered to the front desk Auburn Police Department who shall secure it.

30. VIOLATION OF REGULATIONS- GENERAL FINE ASSESSMENTS

- A. Unless otherwise provided in section 31 below, a fine in the amount of \$25.00 shall be assessed for the first offense, a fine in the amount of \$50.00 shall be assessed for the second offense, and a fine in the amount of \$100.00 shall be assessed for the third or subsequent offenses.

31. VIOLATION OF REGULATIONS

- A. Whenever a police officer has reasonable grounds to believe that a taxicab business, a taxicab vehicle, or a taxicab driver is in violation of the regulations stated herein, then such officer may issue a written violation notice to any offender, as provided in Section 21D of Chapter 40 of the Massachusetts General Laws. Violations that occur on subsequent days or multiple occurrences are subject to separate and subsequent violations and fines.

- Operation of a taxicab not issued a certificate by the Board: \$25 per day
- Violation of ACCOMMODATION ANTI-DISCRIMINATION section: \$25 per day
- Violation of SERVICE ANIMAL section: \$25 per day
- The operation of a taxicab business without a renewal license: \$25 per day
- Violation of DRIVER CONDUCT section: \$25 per occurrence
- The failure of an owner to submit a taxicab for police inspection: \$25 per day
- Attempting to charge or solicit or the charging of a rate of fare in excess of the rates approved by the Board, is subject to a fine of: \$100.00 per occurrence
- Failure to properly maintain trip records: \$25 per day
- The failure to display "AUBURN" and designated number as specified on-the taxi: \$25 per day
- The failure of an owner or driver to clearly post a rate card in each taxicab: \$25 per day
- The failure of an owner to maintain a taxicab in sound mechanical condition: \$25 per day
- The display of unauthorized advertising on the interior or exterior of any taxicab or in any other inappropriate area: \$25 per day
- Any other violation of these regulations not enumerated in this section: \$25 per day

32. RECONSIDERATION HEARING

- A. The Board of Selectmen may, upon receipt of a written request by an applicant having been denied a license or permit, hold a public hearing and reconsider the denial or revocation. If granted, it shall be the applicant's burden to produce substantial evidence at the hearing that the revocation was not related to suitability, was based on erroneous information ; or that reconsideration advances the public safety or welfare of the community. If the Board finds that, the applicant has sustained his burden with respect to that effect; the Board may re-issue a license

and or permit. Any license or permits issued in this manner may be limited or conditioned as the Board determines.

- B. The Board shall not reconsider the denial or revocation if an applicant was determined by the chief of police to be unsuitable to have a taxi business certificate or drivers permit, unless overruled by a Court after hearing.

33. FUNERAL VEHICLE EXEMPTION

- A. Vehicles used solely in connection with transportation for funerals shall not be considered taxi or livery vehicles and shall not be subject to the provisions of this Regulation.

34. SEVERABILITY

- A. It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases included in these regulations are severable, and if any phrase, clause, sentence, paragraph or section of these regulations shall be declared unconstitutional or otherwise invalid by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of these Regulations.