TOWN OF EDGARTOWN

TAXICAB REGULATIONS

BOARD OF SELECTMEN
EDGARTOWN, MASSACHUSETTS

ARTICLE I. PREAMBLE

In the Town of Edgartown, no person, business, or corporation driving or having charge of a taxicab vehicle or other private vehicle shall, unless licensed by the Town to perform such service, offer a vehicle for hire with the intent to transport a passenger or goods.

The Board of Selectmen shall have the exclusive authority to determine the number of taxicab businesses to license in the Town and the number of taxicab vehicles licensed to each business. Such determination shall be based upon serving the needs and convenience of the public and in the best interest of the Town.

ARTICLE II. EXCEPTIONS

Nothing herein contained shall be construed as prohibiting a driver of a taxicab or other private vehicle, licensed to perform such service within the County of Dukes County or by the Commonwealth, from driving through the Town of Edgartown 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.

ARTICLE III. AUTHORITY

The Board of Selectmen as authorized pursuant to Section 22 of Chapter 40 of Massachusetts General Law may approve the adoption of regulations relative to the licensing and operation of taxicab services in Edgartown; 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 law.

ARTICLE IV. PUBLIC ACCOMMODATION

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.

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.

ARTICLE V. SAVING PROVISION

If any provision of this regulation shall be declared unconstitutional, the validity of its remaining provisions shall not be affected thereby.

ARTICLE VI. TERMINOLOGY

THE TERMS USED IN THIS PART SHALL HAVE THE FOLLOWING MEANINGS:

"COMPLY WITH": To meet one or more terms stated in the regulations.

"IF" OR "IF...THEN": Applicable to the associated conditions described.

"MAY": An option or alternative.

"SHALL": A mandated requirement.

"SHOULD": An advisory or recommendation.

ARTICLE VII. DEFINITIONS

THE FOLLOWING WORDS USED IN THESE REGULATIONS SHALL HAVE THE FOLLOWING MEANING, UNLESS A DIFFERENT MEANING IS CLEARLY APPARENT FROM THE LANGUAGE OR CONTENT.

"APPLICANT": Any person, partnership, or corporation who petitions the Town, on a document approved by the Board, for the licensing of a taxicab business, a taxicab vehicle, or a license to operate a taxicab.

"APPLICATION" OR "DOCUMENT" OR "LICENSE": An official document approved by the Board and used for the purposes of licensing a taxicab business, a taxicab vehicle, or a taxicab driver.

"BOARD" OR "SELECTMEN": The Board of Selectmen for the Town of Edgartown.

"COMMONWEALTH": The Commonwealth of Massachusetts and any governmental subdivisions thereof.

"CRIMINAL OFFENDER RECORD": The record of an applicant's criminal history.

"DRIVER HISTORY RECORD": A record of the applicant's motor vehicle operating history.

"DUTY SHIFT": A period of when a person begins or is required to be in readiness for work as a taxicab driver and when the person is relieved from all responsibilities of such work. The preceding words and terms as used in this part are also construed to mean the driving time spent by a driver at the controls of a taxicab in operation.

"GOVERNMENTAL AGENCY" OR "AGENCIES": Any subdivision of the Town of Edgartown; the Commonwealth of Massachusetts; or the federal government.

"LAW" OR "REGULATIONS": The regulations and by-laws of the Town of Edgartown; the regulations and laws of the Commonwealth of Massachusetts; or regulations and laws of the federal government.

"LOCAL FARE": A passenger or goods from one destination to another within the Town of Edgartown.

"LICENSED DRIVER" OR "DRIVER": Any person licensed to operate a taxicab by the Police Department.

"LICENSED OWNER" OR "BUSINESS" OR "OWNER": Any person, partnership, or corporation licensed by the Board to own and/or operate a taxicab business.

"LICENSING FEE": A fee collected by the Town, in an amount determined by the Board, which is assessed annually for the licensing of a taxicab business, a taxicab vehicle or a taxicab driver.

"PASSENGER": A person or persons who hires or attempts to hire a taxicab for transportation.

"POLICE DEPARTMENT": The Edgartown Police Department and the police officers thereof.

Authorized Taxicab Stands

Location	Number	Hours
Yacht Club Lot	4	Unlimited
Mayhew Lane	1	6:00 PM – 2:00 AM
Colonial Inn	1	6:00 AM – 2:00 AM
	1	6:00 PM – 2:00 AM
South Water St.	1	6:00 AM – 8:00 AM
South Summer St.	1	6:00 PM – 2:00 AM
Memorial Wharf	1	Unlimited

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"OFFICER": A duly authorized police officer, special officer, or traffic officer.

"RATES" OR "RATES OF FARE": The compensation schedule for taxi service approved by the Board.

"RATE CARD": A card issued by the Board which displays the taxicab's company name, rates of fare and any other data the Board or Police Department should require.

"REASONABLE" OR "REASONABLY": A factual basis of knowledge upon which a reasonable person might deem proper to conclude.

"SUBSTANCE ABUSE": Any use of illegal drugs or abuse of prescription drugs or any excessive use of an alcoholic beverage.

"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 taxicab, which is licensed by the Town for use in the conveyance of persons or goods for hire from place to place.

"TAXICAB CAPACITY": The seating capacity of a taxicab as determined by the manufacturer's specifications listed for the vehicle; or unless otherwise prohibited by the Commonwealth or the Town.

"TOWN": The Town of Edgartown, Massachusetts and any governmental subdivisions thereof.

"TRIP RECORD": 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.

"WAY": Any public or private road or highway or any way dedicated for public use or any road which the public has the right to use as invitees or licensees; or as otherwise defined by section 1 of chapter 90 of the Massachusetts General Laws.

SECTION 1.0 TAXICAB BUSINESS; APPLICATION FOR LICENSE

SECTION 1.1 APPLICATION FILING. An application for the licensing of a taxicab business in the Town shall be filed with the office of the Board.

SECTION 1.2 MINIMUM AGE & CITIZENSHIP. An applicant shall have attained the age of twenty-one (21) years; and such applicant shall be a citizen or a resident alien of the United States.

SECTION 1.3 PARTNERSHIPS OR CORP-ORATIONS. 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.

SECTION 1.4 REPUTE AND QUALIFICATIONS OF APPLICANT. An applicant shall demonstrate to the satisfaction of the Board, reasonable grounds that they are of good repute as to their morals and character; and that such applicant is qualified to assume the duties and obligations of a taxicab business owner.

SECTION 1.5 CRIMINAL OFFENDER AND DRIVER HISTORY RECORDS CHECK. The Board shall conduct an inquiry of any criminal or driver history record, which may disqualify the applicant from acquiring such license.

SECTION 1.6 APPLICANT COMPLIANCE. The applicant shall agree to comply with the licensing assessment process as stated in the regulations or as required by the Board.

SECTION 1.7 STATEMENT OF COMPLIANCE. A document executed by the applicant indicating the receipt, understanding and intent to comply with the regulations.

SECTION 1.8 VEHICLES TO BE LICENSED. The Board shall specify the number of vehicles to be licensed as taxicabs.

SECTION 1.9 ASSESSMENT OF APPLICANT. An assessment of the applicant, relevant to the matter of licensing of a taxicab business

owner, shall be conducted by the Police Department, who shall report to the Board.

SECTION 1.10 FALSIFIED INFORMATION. Any falsification of information contained 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 of such application or the immediate revocation or suspension of such license.

SECTION 1.11 PUBLIC HEARING. An applicant for the licensing of a taxicab business shall appear, after receipt of notice, at a public hearing conducted by the Board. The Board shall determine if the current number of taxicab businesses licensed by the Town is sufficient to serve the need and convenience of the public. The Board shall notify licensed owners of the date, time, and reason for such hearing.

SECTION 1.12 APPROVAL OF APPLICANT. An applicant, granted approval by the Board to be licensed as a taxicab business, shall be licensed by the terms and conditions of the regulations stated herein.

SECTION 1.13 DENIAL OF APPLICANT. Should the Board deny the issuance of a taxicab business license to an applicant, then the Board shall notify the applicant within 30 days and specify in writing the reason for such denial.

SECTION 2.0 LICENSED TAXICAB BUSINESS; CONDITIONS

SECTION 2.1 TAXICAB BUSINESS LICENSE; EXPIRATION AND ANNUAL FEE. The license of a taxicab business owner shall expire annually on April 30th. Within 30 days of said expiration, an owner shall make an application to renew said license, and shall make payment of the licensing fee. The renewal and issuance of said license shall be granted upon the same terms and conditions as the preceding license. An owner who failures to comply with this section shall forfeit their right to operate as a taxicab business licensed by the Town.

SECTION 2.2 TAXICAB OWNER; DRIVER'S LICENSE REQUIRED. An owner, or if the owner is a partnership or corporation, then at least one (1) partner or shareholder shall be licensed by the registrar of motor vehicles to operate a motor vehicle, and shall be licensed by the Town as a taxicab driver. The Board may waive this requirement for single owners who are disabled, infirmed or otherwise restricted from obtaining a driver's license.

SECTION 2.3 TAX COMPLIANCE. All taxicab owner's license holders 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 renewal from the Board.

SECTION 2.4 TAXICAB BUSINESS LICENSE; TRANSFER AND SALE. The approval or denial by the Board of the surrender and transfer of a taxicab business license to another person, partnership or corporation, shall be made as set forth in Section 1.0 of the regulations. Upon the Board's approval of such transfer, the applicant shall make payment of the annual business and taxicab licensing fees. An owner who has surrendered and transferred their business license to another person, partnership or corporation, shall not be entitled to any prorated rebate of the annual fees paid.

SECTION 2.5 ISSUANCE OF TAXICAB VEHICLE LICENSE. No business shall operate any vehicle for use as a taxicab unless such vehicle is licensed by the Town as a taxicab. Prior to the issuance of any such license by the office of the Board, the licensed owner shall, make payment of the licensing fee, produce a valid certificate of registration for the vehicle, and provide an affidavit of insurance coverage validating the terms of liability for the vehicle to be licensed.

SECTION 2.6 STOLEN TAXICAB OR DRIVER'S LICENSE. An owner shall notify the Board and the Police Department within forty-eight (48) hours of the loss, theft or destruction of a taxicab license, taxicab driver's license or rate card issued by the Board.

SECTION 2.7 UTILIZATION OF TAXICAB VEHICLES LICENSED. Taxi business owners are expected to utilize all taxicabs licensed by the Board. The failure of an owner to maintain the registration

of a licensed taxicab for a minimum of 60 concurrent days, between the period from June 15 and ending September 15, shall have deemed in the succeeding year to forfeit their right to renew the license of said taxicab or a replacement vehicle as provided in Section 2.5.

SECTION 2.8 ADDITIONAL TAXICAB VEHICLE LICENSES; APPLICATION. A taxicab business owner may make an application to the office of the Board for the licensing of additional taxicab vehicles. Any such applicant shall appear, after receipt of notice, at a public hearing conducted by the Board. The applicant shall demonstrate that such additional vehicles are necessary to meet the demands of their service, or are necessary to remain competitive with other licensed businesses. The Board shall notify the other licensed owners of the date, time, and reason for such hearing.

SECTION 2.9 TAXICAB BUSINESS LICENSE; SUSPENSION OR REVOCATION. If at any time the Board becomes aware of information that a taxicab business owner no longer meets the terms of the regulations, then the Board, after a public hearing, may suspend or revoke the taxicab business license, or take any action thereof. The Board shall specify in writing, the reason for the suspension or revocation, to such owner.

SECTION 2.10 TAXICAB BUSINESS OWNER; LICENSE RENEWAL DENIED. The Board may deny the renewal license of any such taxicab business that violates the terms of the regulations. The Board shall notify the owner within 30 days, and shall specify the reason for such denial in writing.

SECTION 2.11 TAXICAB BUSINESS LOCATION. An owner shall, lease or own an office space within the Town of Edgartown to conduct business and to provide sufficient off-street parking for the storage of licensed taxicabs. Said office space and parking area shall conform to applicable laws.

2.11.1 An owner shall file with the Board, the business address, the business mailing address, the business telephone number, and a telephone number to contact the business after hours.

2.11.2 An owner shall, within seventy-two (72) hours, notify the Board personally or in writing of any changes listed in 2.13.1. The service of correspondence from the Board or Police Department, to any such taxicab business address on file, shall be deemed as sufficient for the purposes of providing proper notice to an owner.

SECTION 2.12 TAXICAB BUSINESS RECORDS. An owner shall maintain at his/her business location for current licensed year, the following documents: the driver's trip records; vehicle inspection reports; taxicab maintenance and repair records; records of liability insurance coverage. Upon a reasonable request from the Board or Police Department, an owner shall make available or present any such documents to the Board or the Police Department.

SECTION 2.13 INSURANCE REQUIREMENTS. An owner shall provide to the Board an affidavit of insurance coverage indicating protection from any incident arising as a result of conducting a business within the Commonwealth for the transportation of passengers for hire. Such information shall be a condition for the renewal of a taxicab owner's license.

2.13.1 An owner shall notify the Board in writing, within seventy-two (72) hours of receipt of notice, of the cancellation of the required liability insurance or change of insurance or change of insurance carrier or insurance policy number.

2.13.2 An owner, who has received notice that his or her liability insurance is no longer in effect or is to be terminated, shall surrender the taxicab business owner's license to the Board on or before the termination date of the insurance, unless such owner submits proof of new insurance effective on the date of the prior policy's termination.

SECTION 2.14 RATES OF FARE. 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 as indicated below:

2.14.1 Rates of fare shall be for transportation services to all locations on the Island of Martha's Vineyard and Chappaquiddick.

2.14.2 The rates of fare charged exclusively for the handling of oversized or heavy possessions.

2.14.3 The rates of fare for late night transportation shall be determined by the Board.

SECTION 2.15 ADVERTISEMENT. The name of a licensed business shall be displayed on both left and right exterior of each taxicab.

2.15.1 On the rear of each taxicab the wording "Edgartown" or "Edg." shall be displayed in letters not less than four inches high and one-half inch wide.

2.15.2 No advertisements of any description, including the announcement of rates shall be displayed on the exterior of the taxicab or on any other inappropriate public area such as telephone poles or phone booths.

SECTION 2.16 AVAILABILITY. Any taxicab business licensed by the Town shall remain available to serve the needs and convenience of the public.

2.16.1 During the period of October 31st through April 30th, an owner may close if there is an agreement in place to divert calls for service to another taxicab business owner who shall remain open. The agreement and scheduled period of closure shall be furnished to the Board for approval prior to closing.

2.16.2 There shall be 24-hour service maintained by at least one (1) taxicab business. Such service shall be provided by a mutual agreement between the taxicab business owners. Calls for service to taxicab businesses closed as provided in section 2.16.1 shall be diverted by telephone call forwarding or recorded message to the taxicab businesses providing coverage. The Police Department shall be provided with the names of the taxicab businesses providing 24-hour service.

2.16.3 Taxicab businesses shall provide adequate taxicab service to the first ferry and/or plane leaving the Island, and until the closing of all liquor establishments licensed by the Town of Edgartown.

SECTION 2.17 COMPLAINTS OF DISCRIMINATION. An owner, who has knowledge of a complaint made by a passenger of an alleged act of discrimination or harassment against a driver or the taxicab business, shall cause a report to be made to the Board, and to the Police Department having jurisdiction.

SECTION 3.0 TAXICAB DRIVER; APPLICATION FOR LICENSE

SECTION 3.1 LICENSE REQUIRED. No person shall operate a taxicab licensed by the Board unless licensed as a taxicab driver by the Police Department.

SECTION 3.2 MINIMUM HIRING QUALIFICATIONS. Prior to making an application for a taxicab driver's license, the taxicab business owner shall determine that, in addition to the conditions as set forth in section 3.3, the applicant is familiar with the geography, roads and traffic regulations within the Town and on Martha's Vineyard; 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, or to make entries on reports and records.

SECTION 3.3 MINIMUM LICENSING REQUIREMENTS. An applicant for a license to operate a taxicab shall be at least 18 years of age; shall be eligible for employment of the United States; shall be licensed by the Commonwealth to operate such motor vehicle; and have at least one year of experience operating a motor vehicle.

SECTION 3.4 APPLICATION FILING AND FEE. An application for the licensing of a taxicab driver's license shall be filed with the Police Department. The applicant shall make payment of the non-refundable licensing fee and shall provide a photograph of himself or herself for

inclusion in the license and the records of the Town. The photograph shall be passport-sized of the applicant's face and shoulders only. All photographs shall become the property of the Town and will not be returned to an applicant.

SECTION 3.5 CRIMINAL OFFENDER AND DRIVER HISTORY RECORDS CHECK. The Police Department shall conduct an inquiry of any criminal or driver history record, which may disqualify the applicant from acquiring such license.

SECTION 3.6 FALSIFIED INFORMATION. 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 of such application or the immediate revocation or suspension of such license. An applicant shall comply with the assessment process.

SECTION 3.7 ASSESSMENT OF APPLICANT. A taxicab driver's license may be issued by the Police Department after an assessment of the applicant as determined by the Board and/or the Police Department. The applicant shall, to the satisfaction of the Board and the Police Department, cooperate during the assessment process.

SECTION 3.8 APPROVAL OF APPLICANT. An applicant approved by the Police Department for a taxicab driver's license shall be issued such a license.

SECTION 3.9 DENIAL OF APPLICANT. Should an application be denied, the Police Department shall notify the applicant within 30 days and specify in writing the reason for such denial. The applicant may request a hearing on the denial before the Board. A taxicab driver's license shall not be issued to an applicant with a matter relating to the following:

3.9.1 The admission of sufficient facts or conviction of a felony within the period of five (5) years immediately preceding the date of the filing of the application; The admission of sufficient facts or conviction of a felony or misdemeanor at any time that involved violence towards another person;

3.9.2 The admission of sufficient facts or conviction of a felony at any time that involved a violation of the controlled substance law;

3.9.3 The admission of sufficient facts or conviction of operating a motor vehicle under the influence of alcohol or drugs;

3.9.4 Reasonable grounds the applicant's driver history demonstrates a prevalence to violate the traffic laws;

3.9.5 Is under the supervision of the court; or

3.9.6 Any other reasonable grounds to cause the Police Department to deny such application.

SECTION 3.10 EXPIRATION AND RENEWAL. The license of a taxicab driver shall expire annually on April 30th. Within 30 days of said expiration, a driver may make an application to renew said license, and shall make payment of the licensing fee. The issuance of such license shall be granted upon the same terms and conditions as the previous license.

SECTION 3.11 SUSPENSION OR REVOCATION. If at any time during the term of a license, the Board or the Police Department becomes aware of information that indicates the taxicab driver no longer meets the application terms for licensed driver's as stated herein, the Board or the Police Department may immediately take possession and suspend such a license for a period of no more than 14 days. The suspension period of such license may be extended or revoked, after a public hearing conducted by the Board.

SECTION 3.12 TERMINATION OF EMPLOYMENT. If at any time during the term of a license, the employment of a driver is terminated by an owner for a violating the terms of any regulation stated herein, then such owner shall immediately notify the Police Department in writing.

SECTION 4.0 LICENSED DRIVER; CONDITIONS OF OPERATION

SECTION 4.1 OPERATE IN ACCORDANCE WITH LAW. A driver, while performing his or her duties and responsibilities, shall operate a taxicab in accordance of law; and such driver

shall not commit or attempt to commit any willful act to tender misrepresented taxicab services to a passenger, even though not specifically mentioned herein.

SECTION 4.2 DOCUMENTS REQUIRED FOR OPERATION. A driver shall not operate a taxicab unless such driver is in possession of their license issued by the Commonwealth; and unless such taxicab properly displays the documents as described herein:

4.2.1 The vehicle's taxicab license, the driver's taxicab license, and the rate card issued by the Board or the Police Department, shall be clearly displayed in plain view of the passengers, and in a manner so as not to be easily molested or destroyed.

4.2.2 A document to record and furnish receipts to passengers upon their request.

4.2.3 A "Not in Service" sign and a "Prearranged Fare" sign as provided in **SECTIONS 6.4 AND 6.6**.

SECTION 4.3 PRESENT DOCUMENTS TO OFFICER. A driver shall present any document, required for the operation of a taxicab, upon the demand of a police officer.

SECTION 4.4 MAXIMUM DUTY SHIFT. A driver shall be relieved from duty for a period of not less than 8 consecutive hours during a 24-hours period. A licensed owner and a driver shall comply with all regulatory laws relevant to the hours of operation for taxicab drivers.

SECTION 4.5 APPEARANCE. A driver shall be at all times dressed in a neat and clean fashion, and shall wear shoes or sneakers.

SECTION 4.6 CONDUCT. 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.

SECTION 4.7 IMPAIRED OPERATION. A driver, while performing their duties and responsibilities, shall not operate or occupy a taxicab while his or her driving ability is impaired by the consumption or use of alcohol, a controlled substance, or non-prescribed or prescribed medications.

SECTION 4.8 SMOKING. No person shall not smoke or carry a lighted cigar, cigarette, or pipe inside a taxicab, when such taxicab is engaged in the transportation of passengers.

SECTION 4.9 ACCIDENTS. A driver shall as soon as practical, report to the owner any motor vehicle accident in which he or she is involved while operating a taxicab; and shall cause a report of an accident, when required by law, to be made to the governmental authority having jurisdiction. The owner of a taxicab business shall notify the Edgartown Police Department within 24-hours of any accident involving a taxicab licensed by such business.

SECTION 4.10 CHARTER OR SPECIAL SERVICES. A driver shall not operate a taxicab carrying ten or more persons, including the driver, when engaged in providing a *Charter or Special Service*, unless the business is licensed to render such services and by the Department of Telecommunications and Energy. (MGL Ch. 159A S. 11A)

SECTION 4.11 CONFLICT WITH PUBLIC TRANSPORTATION. A driver shall not transport passengers for hire between fixed routes or in such a manner as to afford a means of transportation similar to that provided by a public transportation service.

SECTION 4.12 RATES OF FARE. A driver shall not charge or attempt to charge the rates of fare in excess of such rates approved by the Board. A driver shall not make an unauthorized entry on a taxicab's rate card, or change, deface, conceal or obliterate any entry thereon, or allow a rate card to be displayed that contains erroneous information. (See Section 2.14)

4.12.1 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.

4.12.2 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.

4.12.3 If a passenger refuses to pay the fare, the driver shall report the facts at the police Department having jurisdiction.

4.12.4 The rates of fare and the hours designated for late night transportation shall be determined by the Board.

4.12.5 A driver shall accept a local fare when seating is available. If passengers are already on board headed to an out of town destination, the local fare will be taken to their stop before the taxicab leaves the town.

4.12.6 A driver, upon the request of a passenger, shall provide a receipt for the payment of the fare. Said receipt shall contain the date, time, driver's name, the business name, and the rate of fare paid.

SECTION 4.13 SOLICITATION. A driver shall not solicit the transportation of passengers or goods from an area other than a taxicab stand.

4.13.1 Unless otherwise authorized by an officer, no person other than the driver assigned to the taxicab shall solicit passengers.

4.13.2 The solicitations of passengers by the driver shall be made at normal voice level.

4.13.3 A driver shall not solicit passengers by means of misleading information, including but not limited to, the rate of fare.

4.13.4 A driver shall not solicit passengers or stop within one-hundred (100) feet of any shuttle bus stop, unless hired by a pre-arranged fare.

4.13.5 A driver shall not operate a taxicab at a persistent diminished speed, not consistent with the movement of existing traffic, which results in the advancement of such traffic to be interrupted.

SECTION 4.14 PASSENGER REQUESTS. A driver shall comply with the reasonable requests of a passenger, including but not limited to giving his or her name upon request.

4.14.1 Upon request of a passenger, the driver shall load or unload a passenger's luggage and property in or from the taxicab's interior or trunk compartment.

4.14.2 A driver shall take a passenger to the specified destination within a reasonable time.

4.14.3 The sound emanating from an AM/FM radio, compact disc player, or cassette player shall be turned off at the request of the passenger.

4.14.4 A driver must always be capable of making change for a twenty-dollar ($20) bill.

SECTION 4.15 PASSENGER REFUSAL. A driver shall not refuse by words, gestures or any other means, without reasonable grounds, as provided herein, to take a passenger to any destination on the Island of Martha's Vineyard or Chappaquiddick, to transport a passenger's luggage and other property. Justifiable grounds for refusal of service shall include , but is not limited to the following:

4.15.1 The number of passengers would exceed the capacity of the taxicab;

4.15.2 The taxicab is presently engaged for the service of another passenger;

4.15.3 The passenger is disorderly, intoxicated, or is smoking;

4.15.4 The Chappaquiddick ferry was not in operation.

4.15.5 The driver determines by reasonable grounds that an article, package, case, or container in the possession of a passenger may cause damage to the taxicab, or may impair the efficient operation of the taxicab.

4.15.6 The passenger is escorting or accompanied by an animal, which to the satisfaction of the driver is not properly restrained or secured; provided however that this section shall not apply to the transportation of disabled passengers who are accompanied by a trained dog guide.

4.15.7 The passenger attempts to occupy the taxicab with an open container of alcohol; or

4.15.8 The driver is ending his or her duty shift.

SECTION 4.16 FOUND PROPERTY. The lost property of a passenger found in a taxicab by a driver shall be safeguarded, and the police Department having jurisdiction shall be notified; unless such driver or taxicab business makes prompt arrangements to return such property is to its rightful owner.

SECTION 4.17 TAXICAB CAPACITY. A driver shall not transport an amount of passengers greater than the maximum designed seating capacity for the vehicle; or in an amount greater than the seating capacity approved by the Commonwealth.

SECTION 4.18 "LOCAL FARE; PRIORITY DESTINATION" A driver shall accept the transportation request of a local fare, whose destination shall have priority over other passengers or goods, unless, at the time of the request:

4.18.1 The driver is engaged in the conveyance of a fare;

4.18.2 The driver is traveling to the location of a pre-arranged fare; or

24.18.3 The driver has agreed to provide taxicab services to another fare.

SECTION 5.0 LICENSED TAXICABS; CONDITIONS OF OPERATION

SECTION 5.1 TAXICABS; MECHANICAL CONDITION. A licensed taxicab shall display a valid Commonwealth of Massachusetts vehicle inspection sticker, and shall at all times be capable of passing such inspection.

SECTION 5.2 TAXICABS; INTERIOR AND EXTERIOR CONDITION. Taxicabs shall be well painted and have no visible rust, primer, safety defects, or dents larger than 20 square inches by one half inch deep. The interior shall be free of excessive dust, sand or debris. Windows shall be clean. Seats shall not have holes, unless patched with an appropriate fireproof tape. Wheel covers or hubcaps shall be present on all wheels where normally required.

SECTION 5.3 UNSAFE OPERATION FORBIDDEN. A taxicab shall not be operated in such a condition as to likely cause an accident or a breakdown of the vehicle.

SECTION 5.4 DRIVER; VEHICLE INSPECTION. The driver shall be satisfied that the taxicab is in a safe operating condition. Any defect or deficiency discovered by the driver, which would likely affect the safe operation of the vehicle, shall be reported to the owner.

SECTION 5.5 OWNER OR DRIVER; TAXICAB DECLARED "OUT OF SERVICE". A taxicab business owner or the driver assigned to a taxicab, shall declare such taxicab "Out of Service" upon a determination by such owner or driver, by means of reasonable grounds, that a condition exists which would likely affect the safe operation of the vehicle. A taxicab declared "Out of Service", shall not be operated until all necessary repairs have been satisfactorily completed.

SECTION 5.6 POLICE DEPARTMENT; VEHICLE INSPECTION. Taxicabs licensed by the Board are subject to periodic unannounced inspection by the Police Department to determine their fitness for continued operation and compliance with the regulations herein.

SECTION 5.7 POLICE DEPARTMENT; TAXICAB DECLARED "OUT OF SERVICE". The Police Department 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.

SECTION 5.8 TAXICAB; RETURN TO SERVICE. Before a taxicab is returned to service after declared "Out of Service" by the Police Department, the owner shall cause the taxicab to be presented to the Department for a re-inspection; or present documentation that the necessary repair was completed.

SECTION 6.0 TAXICAB STANDS AND STOPPING PLACES

SECTION 6.1 PARKING, STOPPING OR STANDING. A driver shall not park, stop, or stand on a way not designated for the use of a taxicab, unless

authorized herein, or as otherwise authorized by a police officer.

6.1.1 A driver may, unless otherwise prohibited by a police officer, reasonably impede the movement of vehicular or pedestrian traffic on a public way, when loading or discharging handicapped or elderly passengers.

SECTION 6.2 TAXICAB STANDS. Any area designated by the Board for use as a taxicab stand, shall be equally available to taxicabs licensed by the Town. A driver may, at any time stop and take a position into a vacant stand.

SECTION 6.3 TAXICAB STANDS; YACHT CLUB PARKING LOT. A driver may at any time occupy the taxicab stands designated in the Yacht Club Parking Lot, provided however; that said stands shall be equally available to all taxicab businesses licensed by the Town.

6.3.1 The occupation of the stands by a driver shall be determined on a first-come first-served basis.

6.3.2 A driver shall not occupy taxicab stands #1 or #2 (located in the center of the lot), unless the entire length of such taxicab is positioned within the borders of the defined pavement markers.

SECTION 6.4 PREARRANGED FARES. A driver parked in a loading zone shall post a prearranged fare sign on the taxicab dashboard; and such sign shall state the surname of the prearranged fare and the number of passengers in the party.

SECTION 6.5 TAXICAB STANDS; DEPLOYMENT VIOLATION. A driver shall not act in collusion with another driver, with the intent to deprive a competitor taxicab business from occupying a taxi stand. The coordination of taxicabs licensed by the same business, with the departure of one taxicab from a taxi stand, followed by the immediate arrival and reoccupation of the same stand by a second taxicab, shall be considered a violation.

SECTION 6.6 TAXICAB NOT IN SERVICE; PUBLIC PARKING. A driver shall not park a taxicab in any public parking space, other than those designated exclusively for licensed taxicabs, unless the driver declares the taxicab "Not in Service" by the posting of an authorized sign, on the dashboard of said vehicle.

SECTION 6.7 TAXICAB NOT IN SERVICE; TAXICAB STAND. A driver shall not park a taxicab in a taxicab stand after declaring said taxicab "Not in Service".

SECTION 6.8 LOADING ZONE. A driver may make use of designated loading zones for a period of not more than 5 minutes, in order to stand in wait for a prearranged fare, or to leave the taxicab when it is necessary to locate a prearranged fare.

SECTION 7.0 NON-CRIMINAL DISPOSITION OF VIOLATIONS

SECTION 7.1 VIOLATION OF REGULATIONS; NOTICE TO OFFENDER. 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.

SECTION 7.2 VIOLATION OF REGULATIONS; GENERAL FINE ASSESSMENTS. Unless otherwise provided in section 7.3, 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.

SECTION 7.3 VIOLATION OF REGULATIONS; SELECTED FINE ASSESSMENTS.

7.3.1 The operation of a taxicab or other vehicle not licensed by the Town: $300.00 per day.

7.3.2 The operation of a taxicab without a renewal license: $100.00 per day.

7.3.3 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 One-Hundred Dollars ($100.00) per offense.

7.3.4 The failure to display "EDGARTOWN" or "EDG" on the rear of each taxicab as required: $50.00 per day.

7.3.5 The failure of an owner or driver to clearly post a rate schedule in each taxicab: $50.00 per day.

7.3.6 The failure of a business, closed during October through May to forward incoming calls for service to a company that is operating: $50.00 per day.

7.3.7 The failure of a business closed during the early morning hours to provide or forward calls to a taxicab company providing 24 hour coverage: $50.00 per day.

7.3.8 The failure of an owner to maintain a taxicab in sound mechanical condition: $50.00 per day.

7.3.9 The display of for profit advertising on exterior of taxicab or in other inappropriate area: $25.00 per day.

7.3.10 The failure of an owner to submit a taxicab for police inspection: $25.00 per day.

7.3.11 The failure of a driver to obey the lawful request of a police officer, whether or not identified in these regulations: $25.00 per day.

7.3.12 A driver of a taxicab or other private vehicle, not licensed by the Town of Edgartown, who, by the determination of reasonable grounds, is found in violation of the terms as established in these regulations, shall be fined in the amount of $100 dollars.

SECTION 8.0 COMPLAINTS, FINES AND PENALTIES

SECTION 8.1 BASIS FOR COMPLAINT. Any complaint alleging the violation of a regulation or law by a taxicab owner or taxicab driver shall be reduced to writing and signed by the complainant.

SECTION 8.2 INVESTIGATION. The Police Department shall investigate any such complaint as stated in Section 8.1 and shall report their findings to the Board.

SECTION 8.3 HEARING. The Board may hold a hearing on any complaint to determine what action, if any, may be taken. The complainant or representative and the owner or representative shall attend. The Board may, suspend or revoke the license of a taxicab business, a taxicab vehicle, or a taxicab driver or take any other action. Any decision rendered by the Board shall be final and may be appealed as provided by law.

SECTION 9.0 RECIPROCITY

SECTION 9.1 OTHER JURISDICTIONS. Any taxicab business owner, taxicab driver, or taxicab vehicle engaged in providing taxicab services in any other jurisdiction, shall comply with the regulations stated herein; unless such owner, driver or vehicle is licensed by the jurisdiction to perform such service within such jurisdiction.

SECTION 10.0 ADOPTION OF REGULATIONS

SECTION 10.1 BOARD OF SELECTMEN; ADOPTION OF REGULATIONS. The Board of Selectmen, as authorized pursuant to Section 22 of Chapter 40 of the Massachusetts General Laws, hereby approve the adoption of the regulations stated herein, for the licensing of taxicab services in the Town of Edgartown.

ADOPTED ON THE

20TH DAY OF

JUNE, 2005

BY THE BOARD OF SELECTMEN FOR THE TOWN OF EDGARTOWN:

ARTHUR SMADBECK
MARGARET SERPA
MICHAEL DONOROMA

TOWN OF EDGARTOWN

APPLICATION FOR TAXICAB DRIVER'S LICENSE

DATE		RENEWAL	YES NO	TAXI COMPANY	

NAME			
	(FIRST)	(MIDDLE)	(LAST)

ISLAND ADDRESS			
	(NUMBER & STREET)	(TOWN)	(TELEPHONE)

OFF-ISLAND ADDRESS			
	(NUMBER & STREET)	(CITY/TOWN)	(STATE)/(ZIP)

MAILING ADDRESS			
	(POST OFFICE BOX)	(CITY/TOWN)	(STATE)/(ZIP)

SOCIAL SECURITY NO.		MA OPERATOR'S LICENSE NO.	

DATE OF BIRTH		SEX	M F	HAIR		EYES	

WAS YOUR DRIVER'S LICENSE IN THIS STATE, OR ANY STATE, EVER SUSPENDED OR REVOKED?	YES	NO	DO YOU NOW OWE MONEY FOR PARKING TICKETS?	YES	NO
DO YOU NOW OWE MONEY FOR TRAFFIC FINES?	YES	NO	DO YOU NOW OWE MONEY FOR EXCISE TAXES?	YES	NO
IF YOU ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, PLEASE GIVE COMPLETE DETAILS BELOW:					

I AFFIRM THAT THE ABOVE IS TRUE AND CORRECT AND AFFIX MY SIGNATURE HERETO UNDER THE PAINS AND PENALTIES OF PERJURY AND AGREE BY SIGNING BELOW TO OBSERVE AND COMPLY WITH THE TAXICAB REGULATIONS OF THE TOWN OF EDGARTOWN.

_____

SIGNATURE OF APPLICANT

POLICE USE ONLY

APPROVED:	YES [ ]	NO [ ]
REVIEW DATE:		CONTROL NUMBER
OFFICER:		
DATE PAID:		DATE ISSUED:

COMMENTS: