

Ordinance Number Assigned: 1900-240

## **TAXICAB ORDINANCE**

### **4-201**

The following words and phrases when used in this ordinance have the meaning as set out herein:

- a) Certificates means a certificate of public convenience and necessity issued by the Calais City Council authorizing the holder (licensee) thereof to conduct a taxicab business in the City of Calais.
- b) Cruising mean the driving of a taxicab on the streets, alleys or public places of the City of Calais in search of, or soliciting prospective passengers for hire.
- c) Driver's permit means the permission granted by the City of Calais to a person to drive a taxicab upon the streets of the City of Calais.
- d) Holder or Licensee means a person to whom a certificate of public convenience and necessity has been issued.
- e) Person includes an individual, a corporation, or other legal entity, a partnership, and any unincorporated association.
- f) Rate Card means a card displayed in each taxicab which contains the rates of fare then in force.
- g) Taxicab means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of not more than eight (8) persons and not operated on a fixed route.

### **4-202 Certificate of Public Convenience Necessity Required**

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Calais without having first obtained a certificate of public convenience ad necessity in accordance with the provisions of this ordinance.

### **4-203 Application for Certificate**

An application for a certificate shall be filed with the City Clerk upon forms provided by the City of Calais, and said application shall be verified under oath and shall furnish the following information:

- a) The name and address of the applicant.
- b) The financial status of the applicant, including principal real and personal property owned and the amount and nature of any unpaid judgments.
- c) Past experience of applicant in the transportation of passengers.
- d) Number and description of vehicles, including passenger capacity, to be operated or controlled by applicants and the location of proposed depots and terminals to be used, if any.
- e) Insignia, trade name, markings and markings signs or lights o be used in designating vehicles.

- f) Any facts which the applicant believes supports his claim that the public convenience and necessity require the granting of a certificate.
- g) Such further information as the Calais City Council may require.

Upon the filing of the application, the City Clerk shall fix a time and a place for the public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been therefore issued. Such notices may file with the City Clerk in each case. Due notice of such hearing on the public bulletin board in the City Hall and by causing a copy of said notice to be published at least one circulation in the City of Calais. Any interested person may file with the City Clerk a memorandum in support or opposition of the issuance of a certificate.

#### **4-205 Issuance of Certificate**

If the Calais City Council, after public hearing thereon, finds that further taxicab service in the City of Calais is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this ordinance and any regulations issued pursuant thereto, then the City Clerk shall issue a certificate, stating the name of the applicant, his address, the number of the vehicle authorized under the certificate and the date of issuance. Otherwise the application shall be denied.

In making the above findings, the Calais City Council shall take into consideration the number of taxicabs already in operation, the population of the City, whether or not existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience, and responsibility of the applicants.

The Calais City Council may from time to time fix the number of taxicab licenses and/or the total number of taxicabs in said City, having regard for the factors mentioned above and any significant change thereof. Such limitations shall be stated in Section 4-231 (a).

#### **4-206 Indemnity Bond or Liability Insurance**

No certificate of public convenience and necessity shall issue to any applicant until he furnishes proof that he has complied with the laws of the State of Maine relative to proper coverage for public liability and property damage, which said coverage must be maintained continuously while the applicant is operating or controlling taxicabs in the City of Calais.

#### **4-207 Transfer of Certificates**

No certificate of public convenience and necessity may be sold, assigned, mortgaged or otherwise transferred without consent of the Calais City Council.

#### **4-209 Suspension and Revocation of Certificates**

A certificate issued the provisions of this ordinance may be revoked or suspended by the Calais City Council if the holder hereof has

- a) violated any of the provisions of this ordinance,
- b) discontinued operation for more than 90 days,
- c) violated any ordinances of the City of Calais, or the laws of the State of Maine or the United States of America, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation, or
- d) receives a suspension or revocation of his driving and/or vehicle registration privileges under the laws of the State of Main

#### **4-210 Taxicab Driver's Permit**

No person shall operate a taxicab for hire over the streets of the City of Calais, and no person who owns or controls a taxicab shall permit it to be driven and no taxicabs licensed by the City of Calais shall be driven at any time for hire, unless the driver of said taxicab shall have first obtained a taxicab driver's license issued under the provisions of this ordinance.

#### **4-211 Application for Driver's Permit**

An application for a taxicab driver's permit shall be filed with the City Clerk on forms provided by the City of Calais; and such application shall be verified under oath and shall contain the following information:

- a) full and correct name of the applicant and his address.
- b) date and place of birth
- c) experience of applicant in driving and in the transportation of passengers.
- d) education background.
- e) history of past employment.
- f) dates of any license suspensions or revocations together with the reasons thereof.
- g) statement of any criminal convictions, giving dates, courts nature of offense, sentence and final disposition of the case.
- h) names and addresses of at least four residents of the City of Calais who have known the applicant for a minimum of 5 years and who will vouch for the sobriety, honesty and good character of the applicant.

Filing fees of five dollars (\$5.00) shall be paid to the City Clerk when the application is filed.

#### **4-212 Qualifications**

The applicant must display to the City Clerk a valid driver's licensed issued by the State of Maine and furnish any further information which may be required by the City Clerk relative to his application and the information disclosed thereon or to his qualifications for a driver's permit issued hereunder. No taxicab driver's permit shall be issued to any person under the age of 18 years.

#### **4-213 Police Investigation**

All applications for taxicab driver's permits shall be submitted to the Chief of Police for his approval prior to issuance and the Chief of Police may conduct such investigation as he deems appropriate to determine the fitness of the applicant for said permit.

#### **4-214 Consideration of Application**

The City Clerk shall upon consideration of the application and any reports from the Chief of Police, approve or reject the application. If the application is rejected, the applicant may request a hearing before the Calais City Council to offer evidence why his application should be reconsidered. Such hearing shall be public unless the applicant shall otherwise request.

#### **4-215 Issuance of Permit-Duration**

Upon approval of an application for a taxicab driver's permit, the City Clerk shall issue a permit to the applicant which shall bear his name, address, color, age, signature and such other data as the City Clerk may require of the calendar year. A permit for every calendar year thereafter shall issue upon the payment of twenty-five dollars (\$25.00) per taxi cab unless permit for the preceding year has been revoked or is then under suspension.

#### **4-216 Suspension or Revocation of Permits**

The Chief of Police is hereby given authority to suspend any taxicab driver's permit issued under this ordinance for a driver's failure or refusing to comply with the provisions of this ordinance, such suspension to last for a period of not more than 15 days. The Calais City Council shall have the power to suspend a permit or revoke the same for a failure to comply with any provision of this ordinance, State or Federal laws by the driver. In the event of any suspension by the Chief of Police, the driver may request a hearing before the Calais City Council and there present evidence in his behalf. In all cases of suspension or revocation by the Calais City Council the driver shall receive notice and be given an opportunity be heard.

#### **4-217 Vehicles-Equipment and Maintenance**

- a) All vehicles used under the provisions of this ordinances must be properly registered and inspected and in full compliance with the laws of the State of Maine relating to vehicles in general and to motor vehicles for hire.
- b) All vehicles used under the provisions of this ordinance shall be kept in a clean and sanitary condition at all times when in use. Said vehicles shall further be maintained in a safe mechanical condition at all times when use.
- c) All such vehicles are subject to reasonable inspection by the Calais City Police Department for compliance with the term of this ordinance and the drivers, owners or license holder controlling said vehicles shall make the same available for such inspection reasonable time and places. Such inspections shall be made at least once each calendar quarter and upon discovery of any unsafe mechanical condition has been corrected, the taxicab shall not be used for the conveyance of

passengers. A reasonable time shall be allowed for the correction of other conditions not affecting the safety of operation of the taxicab.

#### **4-218 Designation of Taxicabs**

Each taxicab shall be plainly marked and identified by signs, not otherwise in violation of any State law, as taxicabs. Owners or operators may further mark said vehicles with identifying names and/or devices so long as the same are not misleading nor in conflict with a name or device already in use by another license holder.

#### **4-219 Rate Card**

Unless the Calais City Council shall otherwise order, the display of a rate card shall be optional.

#### **4-220 Display of Licenses and Permits**

Each taxicab operated under the provisions of this ordinance in the City of Calais shall display in it in a position visible to the passengers therein a card bearing the name and address of the license holder operating said taxicab. There shall further be displayed a card bearing the name and address of the driver then operating said taxicab. Said cards shall be clean and legible unless the City of Calais provides them. Taxicab drivers shall have on their persons at all times while operating a taxicab, their taxicab driver's permit together with their State of Maine driver's license.

#### **4-221 Solicitation, Acceptance and Discharge of Passengers**

- a) Solicitation of Passengers by Driver: No driver shall solicit passengers for a taxicab except when sitting in the taxicab. Drivers shall not solicit passengers in a loud or annoying tone of voice or by sign or in any manner annoying any person or obstruct the movement of any person, or follow any person for the purposes of soliciting patronage.
- b) Receipts and Discharge of Passengers on Sidewalk Only: Drivers of taxicabs shall not receive or discharge passengers in the traveled portion of the roadway, but shall pull up to the right-hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either sidewalk or side of the road in the absence of sidewalks.
- c) Cruising: No driver shall cruise in search of passengers except in such area and at such times as shall be designated by the Calais City Council. Such areas and times shall only be designated when the Calais City Council finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles. Any orders relating to cruising by taxicabs shall be set forth in Section 4-231 (b) of the ordinance. Nothing in this ordinance however shall be construed to prevent a driver from picking up a passenger who signals him for that purpose in any place, provided that the driver shall not obstruct traffic nor create any hazard by stopping for that purpose.

- d) Additional Passengers: No driver shall permit other persons to occupy or ride in said taxicab, unless the person or persons first employing the taxicab shall consent to the acceptance of additional passenger or passengers.
- e) Restrictions on Number of Passengers: No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab. A child in arms shall not be counted as a passenger.
- f) Refusal to Carry Orderly Passengers Prohibited: No driver shall refuse or neglect to carry any orderly person or persons, upon request, unless previously engaged or unable or forbidden to do so by the provisions of this ordinance.
- g) Prohibitions of Drivers: It shall be a violation of this ordinance for any driver of a taxicab to sell intoxicating liquors or to solicit business for any house of ill repute or prostitute or use his vehicle for any purpose other than the transporting of passengers.

#### **4-222 Open Stands—Establishment—Use—Deleted**

#### **4-223 Call Box Stands—Established—Use—Deleted**

#### **4-225 Taxicab Service**

All persons engaged in the taxicab business in the City of Calais operated under provisions of this ordinance shall render an overall service to the public desiring to use taxicabs. They shall provide full service within the hours which they advertise as being their normal operating period. They shall not refuse calls anywhere within the limits of the City of Calais, so long as that place is reasonable and safely accessible by motor vehicle and if it is impossible for the call to be answered within a reasonable time, they shall then notify the prospective passenger how long it will be before the call can be answered and give the reason therefore. Any failure to give reasonable service or to answer a call within the City of Calais without sufficient cause or failing or refusing to give overall service, shall be deemed a violation of this ordinance and his certificate may be revoked after notice and hearing by the Calais City Council.

#### **4-225 Police Department—Duty to Enforce Ordinance**

The Police Department of the City of Calais is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this ordinance. Upon discovering a violation of the provisions of this ordinance, the Police Department shall report the same to the City Manger for referral to the Calais City Council or such action as appropriate under the terms of this ordinance.

#### **4-227 Penalty**

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding two hundred and fifty dollars (\$250.00), which said fine shall be recovered for the use of the City of Calais. Such fine shall be in addition to any suspension or revisions of this ordinance. Where the violation involves the operation of a taxicab without holding certificate of the driving of a taxicab without holding a driver's permit, each day's operation of driving shall constitute a separate violation.

**4-228 Severability**

Each of the provisions of this ordinance is severable, and if any provision shall be declared to be invalid the remaining provisions shall not be affected but shall remain in full force and effect.

**4-229 Repealing Provision**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**4-230 Limitation of License Holders and Cabs**

Having regard for the public need, the population and its distribution, local traffic conditions and the average number of taxicab operators previously in business in the City of Calais, the Calais City Council finds that a maximum of six (6) taxicab license holders is sufficient to serve the City of Calais adequately so long as the population remains below 5000 persons according to the latest U.S. Census figures. No limitation is imposed on the number of cabs each license holder may operate.

**4-231 to 4-239 Reserved**

Adopted:

Amended: April 28, 2005

Repealed: