

ARTICLE 12

REGULATION OF TAXI BUSINESSES

Authority

In accordance with the provisions of New Hampshire Revised Statutes Annotated Chapter 31, Section 40 authorizing the Town of Hampton to enact bylaws, the following Ordinance for the Regulations of Taxi Businesses is adopted by the Town of Hampton by the Annual Town Meeting assembled.

Purpose

It is the declared purpose of the Town of Hampton, through the adoption of this Ordinance, to protect the public health, welfare and safety of its citizens through the proper licensing of taxi businesses, personnel and the licensing and inspection of vehicles used for the transportation of said passengers, and to require the issuance of insurance or bonds for the protection of said persons riding therein.

Section 1. Definitions. The following words shall have the meanings indicated within this Ordinance:

- A. Licensed Motor Vehicle. Shall mean any motor vehicle licensed as a taxi or taxicab by the Town of Hampton and/or holds a valid taxi license from another Municipality.
- B. Licensee. Shall mean any person who has been issued a license under this Ordinance by the Board of Selectmen.
- C. Owner. Shall mean the person having the ownership or leasehold of any motor vehicle used or to be used in the taxi business.
- D. Operator. Shall mean the person driving or having control or possession of said motor vehicle while the same is being used in the taxi business.
- E. Permit. Shall mean the permitted taxi license granted by the Board of Selectmen to the person of any motor vehicle licensed as a taxi or taxicab, which is to be used in the taxi business, to engage in the taxi business and to use that particular motor vehicle so licensed in said taxi business.
- F. Person. Shall mean any person, individual, employee, business, firm, or corporation, partnership, association, owner or operator, and/or any other legal entity.
- G. Taxi Operator's License. Shall mean any person licensed by the Board of Selectmen to operate a taxi or taxicab within the Town of Hampton.
- H. Taxi Business or Taxi Business License. Shall mean any taxi or taxicab business, operation or service licensed by the Board of Selectmen to operate within the Town of Hampton.
- I. Taxi or Taxicabs. Shall mean any rubber-tired motor vehicle, having a manufacturer's rated capacity of not more than 7 passengers, duly licensed as a taxi or taxicab to be used in the call and demand for transportation of passengers for compensation to or from points chosen or designated by the passengers and not operated on a fixed schedule and/or between fixed termini, except that this Ordinance shall not apply to the following:

1. Limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;
 2. Limousine services whose operator is limited to the transport of passengers by prior appointment from locations within the Town of Hampton to destinations located outside of the Town or the reverse.
 3. The vehicle is rated by its manufacturer for a capacity of more than 7 passengers.
- J. Taxi Stand. Shall mean said portion or portions of the public street or highway as may be designated by the Board of Selectmen of the Town of Hampton as a place in which taxis may stand or park.

Section 2. Board of Selectmen, Powers and Duty

The Board of Selectmen shall enforce all local and state laws affecting the ownership, licensing and operation of a taxi business in the Town of Hampton. The Board of Selectmen shall diligently see that all Ordinances, rules and regulations are enforced and shall exercise the power of license and permit suspension and/or revocation when it determines that such action is warranted by majority vote after notice and opportunity to be heard has been afforded by the Board to the affected licensee.

Section 3. Taxi Inspector – Authority

There is hereby created the office of the Taxi Inspector who shall be an officer of the Hampton Police Department as assigned to the position by the Chief of Police. Said officer, in addition to his or her regular duties, shall exercise control over taxicab operations to the extent set forth in this Ordinance. The Taxi Inspector shall investigate all taxi complaints, inspect the operations and safety of all licensed motor vehicles and enforce all local Ordinances pertaining to the taxi or taxicab business.

Section 4. Taxi Inspector Procedures

If the Taxi Inspector determines that any violation of this Ordinance has occurred, the Inspector may take one (1) or more of the following enforcement actions.

- A. Issue a Defective Equipment notice to the person of the licensed motor vehicle requiring correction of the defect within 24 hours with proof of correction provided to the Police Department to avoid automatic suspension of the taxi permit.
- B. Remove the permit(s) from the licensed motor vehicle in violation until the violation is corrected and proof of correction is provided to the Taxi Inspector.
- C. Suspend any permit(s) or license(s), after providing notice and an opportunity to respond to the affected licensee, with any such suspension appealable to the Board of Selectmen.
- D. Recommend that the Board of Selectmen suspend or revoke any license.

Section 5. Licenses Required

- A. No person shall operate a taxicab business in the Town of Hampton without first having obtained a taxi business license from the Board of Selectmen.
- B. No person shall operate a motor vehicle used in the taxicab business in the Town of Hampton without first having obtained a taxi operator's license from the Board of Selectmen.

Section 6. Taxi Operator's License Requirements

The Board of Selectmen shall issue a taxi operator's license for any person who shall satisfy the following criteria:

- A. On the written recommendation from the Chief of Police, or his designee, confirming that the applicant passed the criminal and motor vehicle records examination, and approving the granting of the license.
- B. Provide evidence of possession of a valid motor vehicle operator's license.
- C. Provide written notification from the owner of a permitted taxi service that the potential licensee has been offered employment as a taxi operator.
- D. Provide two clear photographs of the person who is applying for a license using the following guidelines:

The photographs are identical

In color

2 x 2 inches in size

Taken within the past 6 months, showing current appearance

Full face, front view with a plain white or off-white background

Between 1 inch and 1 3/8 inches from the bottom of the chin to the top of the head

Taken in normal street attire:

Uniforms should not be worn in photographs except religious attire that is worn daily

Do not wear a hat or headgear that obscures the hair or hairline

If you normally wear prescription glasses, a hearing device, wig or similar articles, they should be worn for your picture

Dark glasses or nonprescription glasses with tinted lenses are not acceptable unless you need them for medical reasons (a medical certificate may be required)

- A. When a licensee changes his or her address, he or she will, within seven (7) days of such change, notify the Board of Selectmen in writing. Failure to notify the Board of Selectmen in accordance with this section cancels the taxi licensee's issued license.
- B. A license shall not be authorized for any person who is shown to have any of the following disqualifications:
 - 1. The individual has three or more convictions for moving violations, in this or any other state, in the three full years prior to the date of application.
 - 2. The privilege of the individual to operate a motor vehicle has been revoked and/or suspended at any time, in this or in any other state, in the three full years prior to the date of the application, for any reason related to the operation of a motor vehicle.
 - 3. The individual has been convicted of a felony, in this or any other state, in the seven full years prior to the date of the application.
 - 4. The individual has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen full years prior to the date of the application.

Section 7. Taxicab Business License Requirements

No person shall engage in the taxicab business in the Town of Hampton without first having obtained a license for the operation of the taxi business and license for each motor vehicle to be used in the taxicab business from the Board of Selectmen. The Board shall not issue a license until it has received the following:

- A. Has complied with the requirements of Section 6 under this Ordinance.
- B. Written approval from the Chief of Police, or his designee confirming that the owner/operator of the taxicab business passed the criminal and motor vehicle records examination, and approving the granting of the license.
- C. Written notification from the Taxi Inspector and the Building Inspector, or their designees, that the motor vehicle(s) to be permitted meets all criteria contained in this Ordinance.
- D. Each motor vehicle to be permitted shall be inspected by the Taxi Inspector before the issuance of a license and annually in the month of June each year, or more frequently if determined necessary by the Town and its officials, for compliance with the requirements in this Ordinance.
- E. The person of the taxicab business shall produce documentation that each of the motor vehicles to be permitted have passed the New Hampshire State Motor Vehicle Safety Inspection Test.

Section 8. Terms and Fees for Permits and Licenses

- A. All licenses granted under this Ordinance shall continue and remain in full force and effect for a period from the first day of April each year until midnight on the 31st day of March of the following year. All licenses currently issued at the adoption of this Ordinance shall expire of April 30, 2010.
- B. The fee for a taxi business license shall be one hundred dollars (\$100.00) each year or any part thereof plus the cost of criminal and motor vehicle checks, payable in advance for application for the taxicab business license.
- C. In addition to the fees payable pursuant to this Ordinance, the person shall reimburse the Town for any expense occasioned by the issuance of the licensing for the taxi business license.
- D. The fee for a taxi operator's license shall be twenty-five dollars (\$25.00) per year or any part thereof plus the cost of criminal and motor vehicle checks.
- E. The fee for restoration of any taxi operator's license that has been revoked shall be twenty-five dollars (\$25.00).
- F. In addition to the fees payable pursuant to this Ordinance, the person shall reimburse the Town for any expense occasioned by the issuance of the licensing for the taxi operator's license.

Section 9. License Suspension or Revocation

The Board of Selectmen shall have the authority to suspend or revoke any license issued pursuant to this Ordinance in the event that the Board finds that said person has violated any provision of this Ordinance.

- A. Prior to the suspension or revocation of any license the Board shall notify the affected licensee of the pending suspension or revocation and the reason therefore. The Board shall also provide the affected person with a reasonable opportunity to be heard by the Board prior to the suspension or revocation.
- B. A taxi business or a taxi operator's license shall be revoked for any violation of Federal or State law or for three convictions of violations of local traffic ordinances.
- C. A suspension and/or revocation of a person's right to operate a motor vehicle will automatically revoke his or her taxi operator's license.
- D. The fee for restoration of a taxi business license that has been revoked shall be one hundred dollars (\$100.00).
 - 1. Except that when the revocation is due to failure to meet vehicle inspection requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the Taxi Inspector within a reasonable period of time following the revocation not exceeding seven (7) days after revocation.

Section 10. Application for Renewal of Licenses

All applications for renewals of licenses must be filed with the Board of Selectmen no later than the first day of March of any year in order to keep the renewal privilege. The Board may issue renewal licenses at any time thereafter.

Section 11 Transfer of License

- A. No license may not be transferred from one licensed motor vehicle to any other un-licensed vehicle except when the following actions have been performed in advance of the transfer:
 - 1. Notice of the proposed transfer shall be delivered to the Board of Selectmen at least 21 days prior to the date of the proposed transfer.
 - 2. The Board of Selectmen has been presented with the identification and certificate of insurance related to the transferee motor vehicle.
 - 3. The Board of Selectmen has been provided with written notification from the Taxi Inspector and the Building Inspector, or their designees, that the transferee motor vehicle meets all criteria contained in this Ordinance.
 - 4. The Board of Selectmen has received payment of twenty-five dollars (\$25.00) per vehicle transfer fee.
 - 5. In addition to the fees payable pursuant to this Ordinance, the person shall reimburse the Town for any expense occasioned by the transference of license.
- B. No license held by a person, shall be transferred to another except in accordance with the following procedure:
 - 1. Notice of the proposed transfer shall be delivered to the Board of Selectmen at least 21 days prior to the date of the proposed transfer.
 - 2. The application for transfer shall contain the name(s) and address(es) of the proposed transferee(s). In the case of a transfer to any person, individual, business, firm, or corporation, partnership, association, owner or operator, and/or any other legal entity, the

names and addresses of all the principals of said shall be given. A change in such principals shall be deemed a transfer of permits.

3. The Board shall, in accordance with the terms of this Ordinance, approve or disapprove the fitness of proposed person as a license holder within 21 days after receipt of notice of the proposed transfer unless prevented from doing so by conditions or circumstances not under the Board's control.
 4. The Board of Selectmen has received payment of twenty-five dollars (\$25.00) per license transfer fee.
 5. In addition to the fees payable pursuant to this Ordinance, the person shall reimburse the Town for any expense occasioned by the transference of license.
- C. Any license transferred other than in accordance with the foregoing procedures, or without the approval of the Board, shall be void and such license shall at once be surrendered to the Board.

Section 12. Expiration of Permit

No person holding a license to operate a taxi or taxicab hereunder, which said taxi or taxicab is not in actual operation as such for a period of 30 consecutive days, shall not continue to hold the license for such taxi or taxicab and shall deliver up the same to the Board of Selectmen of the Town of Hampton and such license shall forthwith terminate and expire.

Section 13. Insurance

No license shall be issued to any taxi business until the person shall have filed with the Board of Selectmen satisfactory proof of personal injury and property damage liability insurance coverage for each licensed taxi or taxicab for the full period of the permit.

- A. The personal injury coverage shall not be less than one million dollars (1,000,000) per person per accident with a total coverage of not less than two million dollars (2,000,000) per accident. The property damage coverage shall be not less than fifty thousand dollars (\$50,000) per accident.
- B. If required insurance terminates, expires or is suspended, the license shall immediately terminate and expire and must immediately be returned to the Board of Selectmen. All required insurance policies shall contain a provision, which will provide for the automatic notification by the insurer to the Town of the cancellation or expiration of the policy. Said notice shall be mailed to the Board of Selectmen.

Section 14. Posting of Rates

Each taxi or taxicab shall keep its actual rates posted in a conspicuous place in the exterior of the vehicle.

Section 15. Vehicle Markings

- A. Each taxi or taxicab may be equipped with a roof light with the firm name or the word "Taxi" inscribed thereon and operating during evening hours when the taxi is on duty.
- B. Other Markings. Each taxi or taxicab shall have the licensed businesses' name and phone number permanently affixed/displayed on the sides there of, in letters not less than three (3) inches in height.

C. Other Markings Prohibited. All markings unrelated to the licensed business are prohibited on the licensed motor vehicle.

Section 16. Reciprocity with Other Municipalities

Taxis or taxicabs which are duly licensed in other municipalities may deliver passengers from outside the Town to destinations within the Town or pickup passengers by prior arrangement in the Town for delivery to destinations outside the Town.

Section 17. Taxicab Stands

The Board of Selectmen may designate taxicab stands within the community under such terms and conditions as it may determine. Such stands and their parking requirements shall be stated in the Town of Hampton's Traffic Regulations.

Section 18. Business and Operator's License to be Displayed

The taxi business shall post a copy of the taxicab business license in all licensed taxi or taxicabs in a conspicuous place therein; where the same may be seen by any passenger riding in the taxi or taxicab.

The operator of any taxi or taxicab shall keep his/her taxi operator's license, which shall contain a clear photograph of the operator, in a conspicuous place therein; where the same may be seen by any passenger riding in the taxi or taxicab.

Section 19. Taxi Condition

All licensed motor vehicles shall be maintained in a safe, clean and sanitary condition at all times.

Section 20. General Provisions

- A. All licenses and permits remain the property of the Town of Hampton to be returned to the Town in the event of revocation or suspension.
- B. When requested by a passenger, the operator of the taxi or taxicab shall give a written receipt for the fare paid to the said passenger.
- C. Multiple fares are prohibited without the consent of each passenger.
- D. No operator or occupant of any taxi or taxicab shall be permitted to utilize smoking materials of any kind within the licensed motor vehicle at any time. The owner of each taxi or taxicab shall post a notice in each taxicab, plainly visible to all occupants of the taxi or taxicab, reading, "No Smoking".

Section 21. Internal Postings Provision

- A. All postings shall be placed in a conspicuous place therein; where the same may be seen by any passenger riding within the motor vehicle, and shall remain permanently within the licensed motor vehicle.
- B. Fonts used in postings shall be no smaller than 24 pt.
- C. All licenses and permits shall be posted.
- D. Posting of the "Fares" – Actual Rates and the date of effectiveness.
- E. Posting of "Operator to give requested written receipt for the fare paid to the said passenger".

F. Posting of “Multiple fares are prohibited without the consent of each passenger”.

G. Posting of “No Smoking”

Section 22. Violation

A. Any person violating the provisions of this Ordinance shall be guilty of a violation and subject to fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for the third and any subsequent offenses to be issued in the form of a summons and notice of fine as provided in RSA 502-A:19-b.

B. Such summons shall be issued by a Police Officer or authorized employee or official of the State of New Hampshire.

C. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder, and any fines collected hereunder shall inure to such uses as the Town may direct.

Section 23. Severability

If any provision, word, clause, section, paragraph, phrase or sentence of this Ordinance is found by a Court of competent jurisdiction to be unconstitutional, unlawful or unenforceable such unconstitutionality, unlawfulness or unenforceability shall not affect the other provisions of this Ordinance, provided that the purposes of this Ordinance can still be achieved in the absence of the invalid provisions.

Section 24. Effective

This Ordinance shall become effective when adopted by the Annual Town Meeting of the Town of Hampton and shall repeal all other Ordinances or portions of Ordinances relating to taxis or taxicabs.