

No. 12,218

An Ordinance amending Chapter 23, titled "Taxicabs and Buses", Sections 23-1 through 23-16.

IN CITY COUNCIL

November 28, 2023

VOTED: by Roll Call vote to adopt.

(7) Yea's: (Councilors
Blackmer, Bona, Harpin,
Oleskiewicz, Sapienza, Shade
and Wilkinson);
(1) Nay's, (Councilor Barbeau)

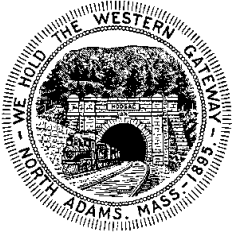
Attest, Lisa Blackmer
President

Tina Marie Leonesio
City Clerk

Approved, November 29, 2023

Jennifer A. Macksey
Mayor

A True Copy
Attest, Tina Marie Leonesio
City Clerk



City of North Adams

In City Council

Dated: November 14, 2023

BE IT ORDAINED by the City Council of North Adams as follows:

That Chapter 23, titled Taxicabs and Buses, ARTICLE I. Taxicabs, Sections 23-1 through 23-16 be and is hereby amended as follows:

By *adding* in Section 23-1 Definitions, the words “*Taxi Cab*” before the definition titled “Driver” and “*Taxi Cab Business*” before the definition titled “Operator”.

And is further amended as follows:

By *adding* to the definition of Taxi Cab Business Operator in Section 23-1 after the words “*taxicab business.*” the following “, *that may operate a single taxi vehicle or may operate a fleet of taxicab vehicles. A taxicab business operator must be a licensed taxi driver in the City of North Adams.*”

And is further amended as follows:

By *inserting* in Section 23-2 between “fares” and “as” and “fare zones” also adding at the end of the paragraph “A list of fare zones is listed in the city ordinance section titled “Fees”

And is further amended as follows:

By *inserting* new paragraphs 23-2.2 and 23-2.3 after paragraph 23-2.1 with the following:

Sec. 23-2.2. Out of Service Taxi Vehicles.

Any taxi vehicle that has been taken out of service for maintenance, repairs, or transportation of vehicle, may not carry fares under any circumstances. A mechanic or repair technician may operate the vehicle for road testing purposes or for the proper repair and maintenance of the vehicle. Such vehicles that are out of service shall be marked with a sign that designates that the vehicle is out of service. Such sign shall be a temporary sign on a yellow background with letters no less than 4” tall, that displays the words “Cab Out of Service” or “Cab Not in Service”. Such sign shall be placed in a prominent location visible inside or outside the vehicle.

Sec. 23-2.3. Smoking in Taxicab Vehicles.

Smoking or use of tobacco products is prohibited in taxicab vehicles by the taxicab driver or their passengers.

City of North Adams

In City Council

And is further amended as follows:

By *deleting* in Section 23-3 the words “Commissioner of Public Safety” and *inserting in place thereof* “Chief of Police or their designated alternate”

And is further amended as follows:

By *inserting* paragraphs 23-3.1 through 23-3.6

Sec. 23-3.1. Penalties for Taxi Cab Business Operators

Any taxi cab business operator who has incurred three or more violations of this ordinance within a 30-day period may suffer suspension of their operator's license. Chronic violations (more than 12 violations in 12 months) may result in the revocation of the operator's license. Such revocation or suspension shall be the decision of the City Council upon review of the relevant facts.

Sec. 23-3.2. Penalties for Taxi Drivers

Any licensed cab driver who has incurred three or more violations of this article and/or moving traffic violations, within a six-month period shall suffer suspension of their taxi driver's license. Each additional violation after the third, shall result in an additional suspension. Likewise, any driver that has had more than six violations of this article and/or moving traffic violations within a 12-month period may suffer a revocation of their taxi driver's license. Traffic violations shall include those incurred while driving any vehicle. Suspension of taxi drivers license shall be immediate. Revocation shall be the decision of the City Council upon review of the relevant facts.

Sec 23-3.3. Application of Penalty Against Licensed Operator

An operator found to be in violation of the ordinances in this section by an officer of the Police Department must be reported to the Chief of Police or their designated alternate. The violation shall be reported to the office of the Mayor within ten working days of the occurrence of the violation. The Mayor or their designated alternate shall request a public hearing of the City Council to review the relevant facts from both the operator of the taxi company and a representative from the Police Department. The City Council shall decide if the violation can be upheld or dismissed and may prescribe an appropriate suspension or revocation of the operator's license.

Sec 23-3.4. Application of Penalty Against Licensed Taxi Driver

A taxi driver found to be in violation of the ordinances in this section by an officer of the Police Department must be reported to the Chief of Police or their designated alternate. Such driver that has

City of North Adams

In City Council

suffered a revocation may file an appeal under Section 23-3.6. Suspension of a taxi driver's license shall not exceed ten days per suspension. The length of the suspension shall be determined by the Chief of Police or their designated alternate. Furthermore, a Taxi Business Operator may keep the suspended driver in their employ during the suspension period for duties other than driving.

Sec 23-3.5. Appeals Process for Operators

Any cab operator who has suffered a suspension or revocation of their operator's license may file an appeal before the City Council no greater than 15 business days from the issue date of the suspension or revocation, by sending a written notification addressed to the City Council via the City Clerk. The City Council, at their next available regular meeting shall schedule on their agenda a review of the penalty. The City Council shall hear relevant facts, regarding the violation(s) from both the operator and a representative of the Police Department, and if any relevant witnesses specific to this incident, discuss and vote on whether the penalty shall be removed or upheld.

Section 23-3.6. Appeals Process for Taxi Drivers

Any taxi driver who has suffered a revocation of their taxi driver's license may file an appeal before the City Council, no greater than 15 business days from the issue date of the revocation by sending a written notification addressed to the City Council via the City Clerk. The City Council, at their next available regular meeting shall schedule on their agenda a review of the penalty. The City Council shall hear relevant facts regarding the violation(s) from both the taxicab driver, the taxicab operator, and a representative of the Police Department, and if any, relevant witnesses specific to this incident, discuss and vote on whether the penalty should be upheld or dismissed.

And is further amended as follows:

By *deleting* in Section 23-4 the words “Commissioner of Public Safety” and *inserting in place thereof* “Police Chief or their designated alternate”

And is further amended as follows:

By *adding* the sentence at the end of paragraph 23-4 “Upon placing a vehicle into service and every January and June of each year thereafter, using a standardized check list.”

And is further amended as follows:

By *deleting* in Paragraph 23-6 in four (4) locations within the paragraph, the words “Commissioner of Public Safety” and *inserting in place thereof* “Police Department”.

And is further amended as follows:

By *deleting* the title of Division 2 “Operator’s License” and *inserting in place thereof* “Taxi Cab Business Operator's License”.

City of North Adams

In City Council

And is further amended as follows:

By *deleting* the paragraph 23-7 and *inserting in place thereof* the following:

A Taxicab operator license application must be approved by the Chief of Police or their designated alternate and must be approved by a majority vote of the City Council to operate a taxi business. Incomplete applications shall not be submitted to the City Council, nor shall applications with missing information be submitted. Any application submitted under this section shall not be acted upon by the City Council and such applications will be returned to the Police Department. No taxi operator license application shall be approved as defined in this article unless:

- a) The applicant is a resident of the Commonwealth of Massachusetts.
- b) License to operate a taxicab business is approved by the City Council.
- c) Application for license shall be approved by the Chief of Police or their designated alternate.
- d) Applicant does not have an outstanding arrest warrant or be listed as a fugitive from any other state.
- e) Applicant has not been convicted of a violent felony.
- f) Does not have an active Abuse Prevention Order or Harassment Prevention Order against them.
- g) The Police Department may deny or revoke an application to operate a taxi cab business for any other reason not specifically covered in this section should the applicant be deemed unsuitable.
- h) The City Council may, without prejudice approve or deny the operator's license application.
- i) Any taxi operator who has been approved by the City Council, may have their license revoked or suspended for failing to comply with any of the above-mentioned requirements.
- j) A Taxicab Operator that has suffered a suspension or revocation may file an appeal as described in Section 23-3.5

And is further amended as follows:

By *adding* paragraphs 23-7.1 and 23-7.2

Sec. 23-7.1. Taxi Business Office Location

Taxi Business Operators are required to operate their business from their registered address as stated on the licensee's application, as approved by the City Council. Should said Operator move the business or add a business location, such as a separate lot to store vehicles, they must file an amendment to their current license application and submit that amendment to the Police Department for approval of the amendment(s) prior to the move to a new location. Amendments to a licensee's application must be approved by a majority vote of the City Council. In addition, any such change of location(s) shall comply with any current zoning regulations.

Sec. 23-7.2. Parking and Storage of Off Duty Taxicab Vehicles

City of North Adams

In City Council

Taxi Operators shall provide sufficient off-street parking at their registered business location(s) as stated on the licensee's application, to store all of the vehicles operated by the taxi business operator. If such storage location is in a different location than the operator's business office, both addresses must be listed on the operator's license. Also said storage location shall comply with current zoning regulations.

And is further amended as follows:

By *deleting* in paragraph 23-8 the words "in order" *after* the word "serially" and *before* the word "as".

And *inserting in place thereof* in paragraph 23-8 *after* the word "serially" and *before* the word "as" the following: "by the City Clerk's Office, sequentially".

And is further amended as follows:

By *inserting* in paragraph 23-8 the words "or vehicle fleet" *between* the words "vehicle" and "is".

And is further amended as follows:

By *deleting* the following in paragraph 23-8 "a description of the motor vehicle, the current registration number and engine number of the vehicle and the number of persons, exclusive of the driver, which it may carry; and" *inserting in place thereof* the following:

"additionally, attached to the operator's license shall be a separate page for each vehicle operated by the licensee. This attachment shall set forth a description of the vehicle including the year, make, model, sub-model," color, vehicle identification number, registration number, number of persons (excluding the driver) that the vehicle may carry, and the unit or fleet number of that vehicle."

And is further amended as follows:

By *inserting* a sentence after the word "therefor." and before the word "Failure" with the following:

"Applications for renewal and applications for new licenses shall be received by the Police Department, Chief of Police, or their designated alternate by the 1st day of December."

And is further amended as follows:

By *deleting* the following words in paragraph 23-9

", all licenses which are in effect on December 28, 1954, shall continue in force unless sooner revoked in accordance with law."

City of North Adams

In City Council

And is further amended as follows:

By *inserting* in paragraph 23-10 the word “not” in the first sentence between “shall” and “be”;

And is further amended as follows:

By also *deleting* in paragraph 23-10 the word “saleable” and *inserting in place thereof* the word “salable” (spelling error)

And is further amended as follows:

By *deleting* in paragraph 23-10 the following:

“, subject to the approval of the Commissioner of Public Safety or the officer in charge of the Police Department and the City Council, and shall be subject to such other terms, conditions and limitations as the City Council shall from time to time prescribe.”

And is further amended as follows:

By *deleting* the title of Section 3 and *inserting in place thereof* “Taxi Cab Driver's License”

And is further amended as follows:

By *deleting* the words in paragraph 23-13 “Commissioner of Public Safety or his designee;”

And is further amended as follows:

By *adding* the words in paragraph 23-13 in the second sentence, after the words “approved by the” the following:

“Chief of Police or their designated alternate; and must be approved by a majority vote the City Council. Incomplete Taxi Driver's license applications shall not be submitted to the City Council for approval, nor shall applications with missing information be submitted. Any application submitted without complete information, shall not be acted upon by the City Council and such applications shall be returned to the Police Department.”

And is further amended as follows:

By *deleting* the following in paragraph 23-13:

“provided, however, that the City Clerk may issue a temporary license to drive a taxicab to any person whose application has been approved by the Commissioner of Public Safety or his designee, if such

City of North Adams

In City Council

approval is more than five days prior to any scheduled action on the person's application by the City Council; provided, further, however, that said temporary license shall only be in effect until the person's application is acted on by the City Council.”

And is further amended as follows:

By *inserting* in paragraph 23-13 the word “business” between the words “taxi” and “operators”

And is further amended as follows:

By *deleting* the following in paragraph 23-13:

“incur a penalty of \$5 per day of noncompliance.” *inserting in place thereof*, “result in the suspension or revocation of the taxi business operator's license.”

And further amended as follows:

By *adding* in the title of Section 23-14 the words “Taxi Driver” before the word Qualifications

And further amended as follows:

By *deleting* the following in paragraph 23-14:

“he or she holds a valid license to operate a motor vehicle in Massachusetts, nor to any person under 18 years of age, nor to any person who has not held a valid license to operate a motor vehicle in the United States for a minimum of 12 months All taxicab driver's license applications are subject to review of the North Adams Public Safety Department, which shall determine whether such applicant is a suitable such license. In no event shall a license be issued to anyone who has had a conviction for operating under the influence, or a like offense in another state, within the past 60 months, or who has had two such convictions in a lifetime, nor to anyone who has had his or her license to operate a motor vehicle revoked by Massachusetts or another state for a moving vehicle violation within 60 months, nor to anyone who has an outstanding arrest warrant, nor to anyone who has a violent felony conviction that may deem unsuitable, nor to anyone who has an active "no contact" restraining order against them, nor to any person known to be taking medications that would hinder his or her driving ability. A license may be revoked or suspended if the North Adams Public Safety Department determines that a licensee is no longer a suitable person or is otherwise disqualified by this section.”

And is further amended as follows:

And *inserting in place thereof* in paragraph 23-14

City of North Adams

In City Council

- a) They possess a valid Massachusetts driver's license and must be licensed to operate a motor vehicle in Massachusetts or any other state for no less than two years consecutively from the time of application and without interruption due to suspension, revocation, or failure to renew.
- b) Is at least 21 years of age.
- c) Address with Registry of Motor Vehicles shall be applicant's current legal address.
- d) A Taxicab Driver's license application will not be approved if:
- e) They have been convicted of operating under the influence, both drugs and alcohol, or a like offense in another state, within the past 60 months or has two such convictions in a lifetime.
e.) They have been convicted of reckless or negligent operation of a motor vehicle or operating to endanger under Massachusetts General Law Ch. 90, Sec. 24 within the past 60 months or two such convictions in a lifetime.
- f) They have an outstanding arrest warrant or be listed as a fugitive from justice from another state.
- g) They do not have a license to operate a motor vehicle revoked by Massachusetts or another state for any reason within the past 60 months.
- h) They have been convicted of a violent felony.
- i) They have an active Abuse Prevention Order or Harassment Prevention Order against them.
- j) They have a license status listed as "Non-Renewable" at the time of the application.
- k) They take any medication that would hinder the applicant's ability to drive a motor vehicle.
- l) The Police Department may deny or revoke a taxicab driver's license for any other reason not specifically covered in this section should the applicant be deemed unsuitable.
- m) The City Council may, without prejudice approve or deny the taxicab driver's license application.
- n) Any taxi cab driver who has been approved by the City Council, may have their license revoked or suspended for failing to comply with any of the above-mentioned requirements.
- o) A Taxicab Driver that has suffered a suspension or revocation may file an appeal as described in Section 23-3.6