

CHAPTER 108

HACKNEY CARRIAGES, LIVERY VEHICLES, PEDICABS AND SIMILAR CONTRIVANCES

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S108-1 Definitions

Person - A person, firm, company, business, corporation, partnership or other entity, or an owner, or operator of a hackney vehicle or livery vehicle.

Livery Vehicle - A vehicle either unmarked or so marked as such which engages in the transportation of passengers only at a predetermined rate pursuant to a prearranged contract for hire, does not operate on a fixed route or roving basis, is hired by means of a telephone request or contract arranged in advance of the time designated for pickup, does not and is not available for picking up passengers upon being hailed or solicited by means other than prior telephone contract and has livery plates issued by the Commonwealth of Massachusetts. Vehicles used to provide services to funeral homes shall not be considered livery vehicles under this law. Such vehicles shall not engage in or be available for the business of being a hackney or taxi vehicle within the Town or for accepting fares by being hailed publicly by passengers in the open. Such vehicles shall generally be engaged as private transport vehicles for private functions or assignments not traditionally

associated with a hackney or taxi vehicle or regularly available for transportation services within the Town.

Hackney Vehicle - A vehicle marked as such which engages in the transportation of passengers, or is available to be so engaged, pursuant to a prearranged contract for hire or on demand, or from a taxi stand, or by being solicited on the street or by telephone request. Such vehicles shall be regularly available for transportation services within the Town by prior contract or by being hailed publicly by passengers in the open.

S108-2. Permits and licenses required

- A. The Board of Selectmen may from time to time issue permits to suitable persons to utilize hackney carriages for the conveyance of passengers for hire within the town or to operate livery vehicle(s) and may revoke or suspend such permits after a hearing for cause by said Board. All persons engaged in the business of conveying passengers for hire within the town or to operate livery vehicle(s) shall take out such number of hackney permits or livery permits equal to the greatest number of such vehicles to be used at any one time by such persons within the year for which the permits are used. Any permit holder who shall cease to be the owner of a hackney carriage or carriages or to operate livery vehicle(s) shall at once surrender his permits or permit to the Board of Selectmen.
- B. The Board of Selectmen may from time to time issue licenses to suitable persons to drive hackney carriages or livery vehicles for the conveyance of passengers for hire within the town and may revoke or suspend any such licenses after a hearing for cause by said board.

S108-3. Application for license

An applicant for a license to drive a hackney carriage or carriages or livery vehicle or vehicles shall present for examination a valid license as an operator issued by the Registrar of Motor Vehicles of the Commonwealth of Massachusetts and the date and the number thereof shall be entered on the application. Any licensee who shall cease to be the driver of a hackney carriage or livery vehicle or vehicles shall at once surrender his license to the Board of Selectmen.

S108-4. Term of licenses and permits; transferability

- A. Permits and licenses issued under this chapter shall expire annually on the 31st day of December.

- B. No permits or licenses shall be sold, assigned or transferred without the consent, in writing, of the Board of Selectmen.

S108-5. Fees

For every permit or license so granted, a fee shall be established by the Board of Selectmen and paid to the Town Treasurer/Collector

S108-6. Applicability of other regulations

Any permit or license granted under this chapter shall be subject to all other provisions of this Code.

S108-7. Carrying of certain passengers restricted

No person having charge of or driving or operating any hackney carriage or livery vehicle shall knowingly receive or permit to be placed therein or conveyed in or upon the same any person sick with any contagious disease without subsequently and before the occupancy or conveyance of other persons having such conveyance properly fumigated to the satisfaction of the Board of Selectmen.

S108-8. Display of permit or license

A. Every vehicle issued a permit for use as a hackney carriage or livery vehicle shall display a copy of such current permit in clear view of the passenger and placed or secured in such a manner so that it may not be easily molested or destroyed.

B. The driver of a hackney carriage or livery vehicle must display a copy of his current license issued by the Board of Selectmen in clear view of the passenger placed or secured in such a manner so that it may not be easily molested or destroyed.

S108-9. Maintenance of carriages or livery vehicles

All hackney carriages or livery vehicles must be kept in good condition, suitable for occupancy and mechanically fit for the safety of passengers. the interior and exterior shall be clean and sanitary at all times.

S108-10. Inspections

The Board of Selectmen or its designee shall have the right to stop and inspect at any time any hackney carriage or livery vehicle and shall provide for the annual inspection of all hackney carriages or livery vehicles permitted to operate within the Town of Hull. The purpose of such inspections shall be to determine whether:

- A. The following equipment is maintained in good order:

- (1) Brakes (dual)
- (2) Stop lights
- (3) Lights
- (4) Horn
- (5) Exhaust system
- (6) Steering gear
- (7) Windshield
- (8) Windshield cleaner
- (9) Number plates
- (10) Rear window
- (11) Tires
- (12) Fenders
- (13) Bumpers
- (14) External sheet metal
- (15) Reflectors
- (16) Splash guards
- (17) Pollution control systems and devices

B. The hackney carriage or livery vehicle is in good condition suitable for occupancy, mechanically fit for the safety of the passengers and clean and sanitary.

S108-11. Schedule of rates

The Board of Selectmen shall have authority to establish a schedule of rates to be charged to passengers by drivers of hackney carriages or livery vehicles, and every owner and driver of a hackney carriage or livery vehicle shall charge no more than the rates as may be established by the Board of Selectmen. The schedule of rates shall be displayed in clear view of the passenger and placed or secured in such a manner so that it may not be easily molested or destroyed.

S108-12. Violations and penalties

Whoever violates any of the provisions of this chapter shall be subject to a fine of not more than ten dollars (\$10) for each offense.

Any person who violates any provision of this Chapter or any rule or regulation issued thereunder may be penalized by a non-criminal disposition as provided for under Chapter 1, section 1-4 of this Code and G.L. c. 40, section 21D. This chapter shall be enforced by a Police Officer of the Town.

Each day during which the violation exists, is committed or permitted or continues shall be a separate violation for purposes of criminal or noncriminal disposition enforcement.

ARTICLE II - PEDICABS

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S108-13 Definition of Pedicabs

A bicycle like vehicle (hereinafter called "bicycle") that has at least three wheels, that transports or is capable of transporting passengers and/or cargo on seats and/or a container or similar features attached to the bicycle, that is propelled by an individual or individuals, and that is used for transporting passengers and/or cargo for hire.

S108-14 Operation of Pedicabs - Licenses and Permits Required

Unless otherwise permitted by town rule or regulation, it shall be unlawful for any person to operate a Pedicab or drive for same within the town without having first obtained from the Board of Selectmen a license to operate and/or drive same and have each such Pedicab permitted. Such licenses and permits may be issued by the Board of Selectmen to persons and/or entities found to be of good character and upon a showing of a need for said activity to serve the public in a manner that promotes the public good and safety within the route so established. All such operators' and/or drivers' licenses and Pedicabs permits shall expire on December 31, of each year. The licenses and permits so required must be renewed annually. The licenses and permits shall be subject to a fee as determined by the Board of Selectmen.

As part of the issuance of a license, the Board of Selectmen shall, based on input from the towns public safety and other departments and the public establish the approved rates, route on and hours of operation during which the Pedicabs may operate. No person may operate a Pedicab in the town unless the person possesses a valid Massachusetts drivers license or otherwise establish to the town that he or she is sufficiently knowledgeable as to the rules of the road otherwise applicable to those operating vehicles on ways within the Commonwealth. No Pedicab shall be placed into service or operation unless approved by the Police Chief or his or her designee following an inspection for condition

and proven to be safe and roadworthy. Nothing contained herein and no licensing, permitting or inspections shall however constitute explicit and/or specific assurances of safety or assistance. The operator and drivers shall be required to obtain any and all other authorizations, licenses or permits required by law. Pedicabs shall not operate on sidewalks.

S108-15 Application for Licenses and Permits

Any person or entity desiring to engage in the activities of operating and/or driving a Pedicab or Pedicab business shall first obtain a license or permit as required under this bylaw. Application for same shall be made to the Board of Selectmen on such forms, and shall be accompanied by such information, as may be required by the Board of Selectmen. Any operator or driver of a Pedicab who ceases to operate the same shall immediately surrender to the Board of Selectmen any licenses or permits issued.

S108-16 Penalties

Except where superceded by state law, any person or entity who violates the provisions of this bylaw shall be subject to a fine of one hundred (\$100.00) dollars for a first offense and two hundred (\$200.00) dollars for any subsequent offense. Each day of non-compliance shall constitute a separate offense.

S108-17 Enforcement

Except where superceded by state law, violations of this bylaw may also be enforced by way of criminal complaint, the Non-criminal Disposition process under Chapter 1 of the Code/Bylaws or civil action. The Board of Selectmen may, following notice and an opportunity for a hearing, suspend or revoke any license or permit issued hereunder and may upon a determination by the Police Chief or Town Manager that the public good and safety so requires, immediately suspend any license or permit pending a hearing. The Hull Police Department shall have the authority to impound any vehicle in violation of these sections.

S108-18 Regulatory Authority

The Board of Selectmen shall have the authority to promulgate rules and regulations necessary to implement and enforce these sections.

S108-19 Severability

The provisions of this Article shall be severable and if any section, part or portion hereof shall be held invalid for any purpose by any court or authority of competent jurisdiction, the decision shall not affect or impair any remaining section, part or portion thereof.

S108-20 Licenses and Permits to be Displayed

Every person or entity so licensed or permitted shall at all times while engaged in the operation of the Pedicab display said license or permit. In addition, each Pedicab must display a sticker on a location set by the Police Department verifying that it has been inspected by the Police Department. The rates, route and hours as approved by the Board of Selectmen shall also be displayed in a manner approved by the Police Department.

S108-21 Limit on Number of Pedicabs

The number of Pedicabs may be limited by the Board of Selectmen to ensure a sufficient number to meet the public need as determined by the Board.

S108-22 Conformance with Traffic Laws

Every Pedicab operator shall operate the Pedicab in conformance with all State and Town traffic laws, bylaws, and rules as if the Pedicab were a motor vehicle;

(1) Except:

(a) That Pedicabs shall be prohibited from operating where bicycles are prohibited.

(b) The bicycle operator may keep to the right when passing a motor vehicle which is moving in the travel lane of the way.

(c) The bicycle operator shall signal by either hand his intention to stop or turn; provided, however, that signals need not be made continuously and shall not be made when the use of both hands is necessary for the safe operation of the bicycle.