

CHAPTER 10 TAXICABS**1000 Declaration of Policy**

Every person owning or operating a motor vehicle for hire whose business is conducted from Exeter and who picks up passengers in Exeter to transport such passengers in a taxicab, as defined below shall be subject to Town regulations in accordance with this ordinance. This ordinance has been adopted pursuant to the delegation of authority under NH RSA 31:40 by the passage of Article 38 at the March, 1989 Town Meeting...

1001 Definitions

Driver shall mean the person in actual physical control of a taxicab.

Driver's License shall mean a valid New Hampshire Operators License.

Insurance shall mean the limits of liability set by subsections in this Chapter.

Operator shall mean any person owning, in charge of or managing a taxicab business or company in the Town of Exeter.

Operator's Permit shall mean the permit issued by the Town of Exeter to a firm, corporation or company to operate a taxicab business.

Standing shall mean a vehicle idle or not in motion but having a driver in control (behind wheel).

Parking shall mean a vehicle idle or not in motion but having a driver in control (behind the wheel)

Taxicab shall mean any rubber-tire motor vehicle having a manufacturer's rated seating capacity of not more than twelve persons and used in the call and demand for transportation of passengers for compensation to or from points chosen or designated by the terminal, or any such vehicle leased or rented or held or leasing or renting with or without drivers or operators

Taxi Permit shall mean a valid permit from the Town of Exeter for the taxicab.

Taxi Stand shall mean a designated space for the pickup or discharge of passengers by an engaged taxi

Unengaged Taxicab shall mean a taxicab in charge of driver and neither occupied by not standing at the direction of passenger nor responding to a call of a prospective passenger. A taxicab standing in a taxi stand shall be presumed to be unengaged.

1002 Regulations

All drivers, operators and taxicabs shall be subject to those requirements, rules, regulations and procedures that may be promulgated from time to time by the Board of Selectmen of the Town of Exeter.

1002.1 Taxicab Operator Permit and Fee

Every person engaged in the business of operating taxicabs, automobiles or other vehicles for the transportation of person for hire within the Town of Exeter shall make an application to the Town Clerk for an Operator's Permit on forms provided by the Town Clerk for this purpose. The fee for such permit is one hundred (\$100) dollars annually which shall be paid at the time the application is made and on or before January 1 of each calendar year thereafter. Only one operator permit shall be required per business. In the case of a change of ownership of a business, the fee shall be one hundred (\$100) dollars. As of the date of adoption of these rules, no new operator's permit shall be allowed unless the business headquarters are located in an area approved by the Zoning Ordinance.

- a. Issuance of Operator's Permits: Before any permit is issued, the Town Clerk shall refer the application to the Chief of Police, who shall conduct an investigation of permit within five (5) calendar days, Saturdays, Sundays and holidays excluded. Any conviction for violation of the laws of the State of New Hampshire, or any other state, may be cause for denial. The Chief of Police shall forward his decision to the Board of Selectmen who shall approve or disapprove it.
- b. Insurance: Before any permit is issued, the Town Clerk shall insure that the applicant has provided a certification of insurance for each vehicle. The minimum limits of liability acceptable shall indemnify the applicant and owner in the amount of One Hundred Thousand (\$100,000) dollars for injury to one person with a total coverage of not less than Three Hundred Thousand Dollars (\$300,000) for each accident. The property damage coverage shall be not less than Fifty Thousand Dollars (\$50,000) per occurrence. The certificate shall carry an endorsement that the Insurance Carrier will notify the Town Clerk ten (10) days prior to the cancellation of any such policy.
- c. Change of Address: Any operator shall notify the Town Clerk within five (5) days of any change of address, telephone number or business locations.
- d. Appeal of Denial: In case a request for a permit by an operator has been denied by the Chief of Police, the operator may request of the Town Clerk an appeal hearing before the Board of Selectmen. Such hearing shall be held within seven (7) days of the request, Saturdays, Sundays and holidays excluded. The Selectmen shall render their decision within a reasonable time.

- e. **Transfer Prohibited:** No operator's permit may be transferred from one operator to another. Any operator who voluntarily discontinues doing business shall surrender his/her permit to the Town Clerk within five (5) days of the time s/he discontinues operation.
- f. **Display of Permit Certificate:** It shall be the duty of operators of taxicabs to display their permit certificates in a conspicuous place within their place of business, headquarters or have them readily available for inspection upon demand by authorized municipal officials at all times.
- g. **Taxicab Records:** All taxicab operators and drivers shall keep records of trips, dates, times, pick-ups and discharges. Such records shall be kept for a period of six (6) months.
- h. **Surrender permit:** Any operator shall, upon demand of the Town Clerk and/or the Board of Selectmen, surrender his Operator's Permit to the Town Clerk when so notified in person to do so because of a lack of insurance or other serious violation of the Chapter.

1002.2 Taxicab Permit and Fee

Every person engaged in the business of operating taxicabs, automobiles or other vehicles for hire, within the Town of Exeter, shall make application to the Town Clerk for a Taxicab Permit, for each vehicle used in the business, on the forms provided by the Town for this purpose. The fee for such permit shall be twenty-five (\$25) dollars for each vehicle, which shall be paid at the time of application and annually on or before January 1.

- a. **Issuance of Taxicab Permits:** Before any new taxicab permits are issued, the Town Clerk shall refer all applications to the Chief of Police, who shall inspect the condition of the vehicles proposed for permit, and approve or disapprove the issuance of permits within forty-eight (48) hours, Saturdays, Sundays and holidays excluded. Vehicles not meeting the inspection requirements of the State of New Hampshire shall be denied permits.
 - 1. **Issuance of Temporary Taxicab Permits:** Above requirements for a replacement vehicle only may be waived at the discretion of the Chief of Police or his designee, with proper insurance binder, until such time as a proper permit may be issued within the prescribed forty-eight (48) hours.
 - 2. **Temporary*** permits may be granted for vehicles used in place of regularly permitted vehicles, when mechanical repairs are required, provided, however, that all requirements of this section are met, except painted signs. (*= ten day limit and report to Police Department).
- b. **Appeal of Denial:** When any such application is denied by the Chief of Police

or the Town Clerk, the applicant may request such denial be reviewed by the Selectmen. A request for review shall be made to the Town Clerk, who shall refer the matter to the Selectmen within forty-eight (48) hours, excluding Saturdays, Sundays and holidays, of receipt of the request. The Selectmen shall hold a hearing and issue or deny the permit.

- c. **Transfer of Permits:** Taxicab permits may be transferred from one vehicle to another by making an application for such transfer in the same manner as is required for original permits and making payment of five (\$5) dollars to the Town Clerk at the time of making an application. An application for transfer must be made within five (5) days of acquiring a new vehicle. Evidence of an insurance binder must be provided at the time of application.
- d. **Taxicab Permits Displayed:** A copy of the taxicab permit issued by the Town Clerk, shall be conspicuously displayed on the dashboard of every vehicle operated as a taxicab under the provisions of this chapter.

1002.3 Taxicab Drivers License and Fee

Every person engaged in the business of operating of taxicabs that are dispatched from Exeter and that pick up passengers for hire within the Town of Exeter, for the purpose of transporting persons, shall have attained the age of eighteen (18) years, hold a valid New Hampshire operator's license and shall make application to the Town Clerk for a Taxicab Driver's License on forms provided by the Town for this purpose. The fee for such license shall be ten (\$10) dollars, which shall be paid by the applicant at the time of making application, and on or before January 1 of each calendar year thereafter.

- a. **Issuance of Taxicab Driver's License:** Before any taxicab driver's license is issued, the Town Clerk shall refer the application to the Chief of Police who shall then conduct the investigation of the applicant and approve or disapprove the issuance of such license within five (5) day, Saturdays, Sundays and holidays excluded. A taxicab driver's license shall not be authorized for any individual which 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 state or any other state, in the full three years prior to the date of application, for any reason related to the operation of a motor vehicle.
 3. The individual has been convicted of a felony or misdemeanor, in this state, in the full seven years prior to the date of application.
 4. The individual has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the full fifteen

years prior to the date of application.

- b. Appeal of Denial: When any such application may be denied by the Chief of Police or the Town Clerk, the applicant may request of the Town Clerk that such denial be reviewed by the Selectmen. A hearing of this appeal shall be held within seven (7) days, Saturdays, Sundays and holidays excluded. The Selectmen shall render their decision within a reasonable time.
- c. Identification: It shall be the responsibility of all Taxicab Drivers to display their taxicab license in a conspicuous place within any taxicab being operated by them. It shall further be their responsibility upon request of any passenger, to furnish their name.

1002.4 Taxicab Regulations - General

It shall be the responsibility of all taxicab operators to insure that all taxicabs shall be kept in a safe and sanitary operating condition at all times and shall at all times meet the standards for inspection of motor vehicles under the Laws of the State of New Hampshire. Any officer observing a violation of this section shall conduct an investigation and may issue a summons to the District Court for a violation of the provisions of this Chapter.

- a. Periodic Inspection: The Chief of Police or his designee or any Police Officer may, at their discretion, periodically call for the inspection of any taxicab operating in the Town of Exeter. The purpose of periodic inspection shall be for the maintenance of safety and sanitary conditions of vehicles.
- b. Taxicab Stand: The Selectmen may establish taxicab stands on such public streets and in such places and in such numbers as shall be determined to be of greatest benefit and convenience to the public, and every such place shall be marked with an appropriate sign. Taxicab stands shall be designated by the Selectmen on a ratio of no more than one stand per every two licensed taxicabs.
 - 1. Parking Limited: No operator or driver shall park or allow to be parked any taxicabs upon any street in any business district at other than an authorized taxicab stand except when actually engaged in taking on or leaving passengers.
- c. Passenger Limitation: The operators or drivers of taxicabs shall not carry more than four (4) passengers in their taxicabs unless the taxicab is manufacture-designed to seat nine (9) passengers, in which case the limit shall be seven (7) passengers. In no case shall there be more than one (1) passenger in front.

- d. **Property Left in Taxicabs:** All property of reasonable value left in taxicabs shall be returned to the owner forthwith, or after a diligent attempt has been made to return said property to owner, it shall be delivered to the Police Department by the driver of the taxicab.
- e. **Records and Other Privileged Information:** Shall be made available only to the Police Department or other authorized representative of the Town of Exeter.
- f. **Complaints:** Whenever there is a complaint over a fare or otherwise that cannot be agreeably resolved by all, the complainant may register such a complaint in writing to the Town Clerk, who shall refer the matter to the Selectmen for the purpose of conducting a hearing. Upon sustaining the complaint, the Selectmen may suspend or revoke such permits as may be required.
- g. **Rates for Service:** All taxicab operators shall have on file with the Town clerk rates being charged and shall file new rates as they are changed before they are allowed to be in effect. Such rates shall be clearly posted in each taxicab.
- h. **Limitation On Use**
No operator or driver of any taxicab shall:
 - 1. Accept any other passenger without the consent of the person or persons who have engaged the cab;
 - 2. In no case, pick up any adults when children under the age of sixteen (16) years are alone in the cab, unless said juvenile is seated adjacent to the driver.

1002.5 Suspension Revocation

- a. Whenever any operator shall be convicted in the Exeter District Court of a violation of any section of these rules and regulations, the operator's permit shall forthwith be returned to the Town Clerk, who shall retain such permit until application is made in the same manner as for an original permit, and a determination has been made by the Chief of Police and the Selectmen as to the issuance of such permit.
- b. Any taxicab driver convicted of violating these rules and regulations or any law of the State of New Hampshire shall forthwith return his taxicab driver's license to the Town Clerk, who shall retain said license until such time as request for a permit has been filed in the same manner as for an original taxicab license and a determination as to its issuance or denial shall have been made by the Chief of Police and the Selectmen.

- c. The Selectmen may suspend or revoke any operator's permit, taxicab permit or taxicab driver's license at any time for cause.
- d. A majority decision of the Selectmen may be appealed to the Rockingham County Superior Court and upon receiving notice of action from the Court, any suspension or revocation will be held in abeyance pending results of said court ruling.

1010 Penalty

Any person, firm or corporation violating any provision of this ordinance or any requirements, rules, regulations or procedures that may from time to time be promulgated by the Selectmen of Exeter, shall be guilty of a violation and fined not in excess of one hundred (\$100) dollars. A separate offense shall be deemed committed upon each day, or part thereof, during or in which a violation occurs or continues.