



TOWN OF CANTON

RULES AND ORDERS FOR THE REGULATION OF CARRIAGES OR VEHICLES FOR HIRE PROMULGATED BY THE BOARD OF SELECTMEN, EFFECTIVE September 24, 2004. As amended December 10, 2004 and July 1, 2008.

The following Rules & Orders for the regulation of carriages or vehicles for hire were promulgated by the Board of Selectmen effective September 24, 2004 pursuant to the authority of Massachusetts General Laws Chapter 40, Section 22. All Rules & Orders in force prior to the effective date are repealed as of the effective date of these Rules & Orders:

ARTICLE I GENERAL RULES & ORDERS

SECTION I-1 No person shall engage in the business of transporting persons for hire in a carriage or vehicle within the limits of the Town of Canton without first having obtained a license from the Board of Selectmen pursuant to these Rules and Orders. These Rules and Orders shall apply both to businesses located within the town or to vehicles employed for transportation trips originating within the Town. The Board of Selectmen reserves the right to limit the total number of license holders in the community. No license shall be required for:

I-1.01 hearses and grieving-family transport vehicles used by funeral homes for funerals and burials.

I-1.02 taxis/livery vehicles lawfully licensed in other communities, provided that such taxis/livery vehicles shall not originate transportation trips within the town unless:

- a. such trip originates after 10 P. M. , and before 6 A.M.;
- b. no taxi licensed by the Town of Canton is available to respond to a request for transportation; and
- c. use of such taxi is originated by a Canton Police Officer.

This section 1.1 with regard to Carriages for Hire that are not garaged within the Town, but originating trips within the Town, is effective 10/01/05.

SECTION I-2 The Board of Selectmen may issue licenses for taxis (described in Article II), private livery (described in Article III), and regularly scheduled limousine service (described in Article IV).

SECTION I-3 No person having charge of a vehicle licensed hereunder shall demand or receive a rate or fare other than as established by the Board of Selectmen for the class of license issued hereunder. The Board of Selectmen may from time to time revise such rates, but as currently in effect such rates are set forth in the article applicable to each class of license.

SECTION I-4 Definitions as used in these Rules & Orders, the following definitions apply:

Approved 8/24/04
Effective 9/24/04
Amended 12/10/04
Amended 07/01/08

I-4.01 Chief of Police - Chief of the Police Department of the Town of Canton, or the person he chooses to authorize to act for him as the case may be with regard to these Rules and Orders.

I-4.02 Safety Officer –Chief of Police or any Officer he designates to act on his behalf.

I-4.03 Taxi, taxicabs – as defined in Article II, Section II-1.

I-4.04 Person - Person includes natural persons, corporations, firms, partnerships, associations, and entities of every kind and description.

I-4.05 Private livery – as defined in Article III, Section III-1.

I-4.07 Regularly Scheduled Limousine Service – a private livery service operating a fixed route or a fixed schedule, without licenses from the Massachusetts Department of Public Utilities nor from any Transit Authority.

SECTION I-5 The following provisions relate to all classifications of licenses:

I-5.01 Each license shall be effective for one year only, expiring each year on September 30th of that year. All taxi/livery licenses issued during 2004 will be effective until Sept. 30, 2005.

I-5.02 Each license shall specify the number and identity of the vehicle that may be used under said license.

I-5.03 The Board of Selectmen may within their discretion grant, withhold or revoke any such license.

I-5.04 For every vehicle license so granted each year there shall be paid for the use of the Town the following license fees:

Taxis	\$50.00 per year
Private Livery	\$50.00 per year
Scheduled Limousines	\$50.00 per year

I-5.05 No person shall be eligible to receive such a license who cannot demonstrate familiarity with the streets of the Town of Canton and is either a citizen of the United States or a person lawfully documented for work in the United States. With respect to corporations and businesses, no such corporation or business shall be eligible to receive such a vehicle license unless the manager or principal representative in charge of the business can demonstrate familiarity with the streets of the Town and is

Approved 8/24/04
Effective 9/24/04
Amended 12/10/04
Amended 07/01/08

either a citizen of the United States or a person lawfully documented for work in the United States. Proof of residence within the Town by the applicant shall be prima facia evidence of familiarity with the streets of the Town.

I-5.06 In addition to any insurance requirements established by state law or regulation, the following minimum insurance coverage shall be obtained by any person seeking a license to operate within the Town of Canton:

Taxis	\$50,000 per occurrence/\$ 100,000 annual aggregate
Private Livery	\$75,000 per occurrence/\$150,000 annual aggregate
Limousines	\$100,000 per occurrence/\$300,000 annual aggregate

All licensees are required to submit a certificate of insurance satisfactory to the Chief of Police or his designee., indicating therein the amount of coverage and the maximum number of persons to be carried in each vehicle.

I-5.07 No license shall be sold, assigned or transferred directly by conveyance, assignment or transfer of the license itself, nor indirectly by sale of the business or ownership interests in a corporation holding the license without BOS approval.

I-5.08 Any person in whose name a license is taken out for one or more carriages or vehicles for hire, for all purposes of these rules shall be considered as the owner of the same and liable to all forfeitures and penalties herein contained.

I-5.09 There shall be visible on or about the licensed vehicles no advertisements or other displays or any references to products or services other than references to the licensee's operation.

SECTION I-6 The following Rules & Orders apply to the operation of all licensed vehicles:

I-6.01 No person to which a license has been granted shall suffer or allow any person other than the driver licensed pursuant to Article IV hereof by the Chief of Police or his designee to drive such a carriage or vehicle for hire

I-6.02 All vehicles licensed hereunder shall be kept in a good condition suitable for occupancy and mechanically fit for the safety of the

passengers. The interior and exterior shall be clean and sanitary at all times. Owner and driver shall each be held responsible for violations of this provision as the case may be.

I-6.03 All vehicles shall be inspected by the Chief of Police or his designee, as follows:

a. No license shall be issued until each vehicle intended to be used shall have been thoroughly inspected by the Chief of Police or his designee.. If the vehicles are found to be safe and suitable for hire as being in the same safety condition as supplied by the manufacturer, the Chief of Police or his designee. shall issue a certificate of his approval which shall designate by registration number, make, model, manufacturer's number, seating capacity and intended use of each so approved.

Such certificate shall be filed with each application for any license established by these Rules & Order. When and if issued by the Board of Selectmen, any license shall be deemed to cover only the vehicle described in such certificate.

b. Each vehicle shall be inspected ONCE a year at times to be established by the Chief of Police. Any vehicle who fails to pass such inspection shall not be further used for transportation of persons or things for hire until repaired or the conditions addressed and the vehicle passes reinspection.

I-6.04 Any vehicle licensed hereunder used to pick up or drop off school children on a regular basis must be registered with either the Superintendent of Schools or the Principal of the school attended by such children.

I-6.05 In no event may any vehicle licensed hereunder carry more persons than the number of available seat belts permanently equipped in such vehicle; every child under forty pounds (40 lbs.) shall be transported only in approved child safety restraint devices.

SECTION I-7 No vehicle licensed under these Rules & Orders as one classification of license shall be further licensed at the same time as another classification of license.

Approved 8/24/04
Effective 9/24/04
Amended 12/10/04
Amended 07/01/08

SECTION I-8 It shall be the duty of the Canton Police Department to enforce the provisions of these Rules & Orders. Whoever violates any of these Rules & Orders shall be punished by a fine not exceeding fifty dollars (\$50.00) for each offense; this penalty may be enforced by means of the noncriminal disposition provisions of M.G.L. Ch. 40, s, 21D or by filing of a criminal complaint by any enforcing persons in District Court, In addition to the foregoing, the Board of Selectmen may, after hearing, enforce these Rules & Orders by means of suspension or revocation of special driver's license or vehicle license provided by these Rules & Orders,

SECTION I-9 The Chief of Police and/or his designee is authorized to temporarily suspend for up to two weeks a Special Operator's License until the next sitting of the Board of Selectmen, if he determines that the alleged incident is of a grievous nature.

ARTICLE II TAXIS

SECTION II-1 A taxi license shall be required to operate any carriage or vehicle for hire, with/without a taxi meter, used for the conveyance of persons that originates within the Town of Canton (unless such carriage or vehicle qualifies as a private livery, scheduled limousine service or is licensed as a mass transit facility by the department of public utilities or regional transit authority).

SECTION II-2 No taxi license shall be issued until the applicant presents proof of registration and insurance in compliance with the provisions of Massachusetts General Law Chapter 90.

SECTION II-3 All taxi vehicles as defined in Section I and licensed hereunder shall be marked and identified as follows:

II-3.01 The name of the taxi company must be displayed on each front door both sides and as may otherwise be required by Registry of Motor Vehicles Chapter 90 Manual.

II-3.02 Each taxi cab shall have a light affixed to the roof identifying itself as a taxi in accordance with the requirements of the Registry of Motor Vehicles Chapter 90 Manual.

SECTION II-4 Each taxi shall charge a rate established by the Board of Selectmen as follows:

Minimum – first mile	\$4.00
Each 1/5 mile thereafter	.60
Waiting time	.40/minute

Approved 8/24/04
Effective 9/24/04
Amended 12/10/04
Amended 07/01/08

SECTION II-5 Every taxi licensed hereunder shall display such fares along with a photocopy of the applicable taxi license in a conspicuous location determined by the Chief of Police within the passenger compartment of the vehicle or carriage licensed.

SECTION 11-6 No smoking shall be permitted in any taxi so licensed and a "no smoking" sign shall be displayed in plain view of the rear passenger seats of every vehicle so licensed.

SECTION 11-7 Each vehicle must be tested for a measured mile regardless of whether the vehicle is equipped with a meter or not. The Sealer of Weights and Measures will be contacted by the vehicle license holder (Rich Orpen – 617-727-3480 Ext. 0) to arrange for testing of each vehicle. A fee of \$25/vehicle will be charged.

ARTICLE III PRIVATE LIVERIES

SECTION III-1 Carriages or vehicles for hire, used for the conveyance of persons, that originates within the Town of Canton, may avoid the requirement of obtaining a taxi license under Article II if the owner/operator of such vehicles obtains a Private Livery License. A Private Livery License may only be issued to those applicants who meet the qualifications below:

III-1.01 rate qualification: the fares charged for a carriage or vehicle is to be exclusively the rates specified as "private livery rates" in Section 4 below; any private livery vehicle charging taxi rates shall be considered an unlicensed taxi and shall have its private livery license revoked;

III-1.02 size qualification: a public carriage or vehicle of any type with a seating capacity not in excess of eight passengers excluding the driver;

III-1.03 use qualification: such private livery carriage or vehicle may be rented only from a garage or the residence of the owner, with the owner or an employee of the owner in attendance as a chauffeur, for use only in connection with social functions, funeral, touring, shopping trips and similar purposes. This type of license DOES NOT APPLY to taxis (Article II), scheduled limousine service (Article IV), or any carriage or vehicle that is used in any of the following ways:

- a. stationed at or for hire from a railroad, bus or gasoline station, club, stand, hotel, parking lot, street, highway, airport or any other public place.

- b. used to transport persons for a hotel, transportation company or similar organization.
- c. used under agreement with a hotel, club, or private organization to provide a regular transportation service for its members and guests.
- d. operated with a fare structure determined by zones or taximeter or primarily by distance traveled
- e. used to pick up, transport and discharge passengers along a route or on a schedule

Any private livery engaged in the foregoing not applicable uses shall be considered an unlicensed taxi.

SECTION III-2 No Private Livery License shall be issued until the applicant present proof of registration and insurance in compliance with the provisions of Massachusetts General Laws Chapter 90.

SECTION III-3 Vehicles licensed as Private Liveries shall bear no light but shall display at least **one** of the following methods of identification:

- A. A removable identification card, with the name of the livery company and/or the client printed thereon;
- B. Bear on the right and left side rear windows a livery sign containing only the name of the livery service in letters not to exceed two inches (2") in height;
- C. Small logo on front doors on both driver and passenger sides.

SECTION III-4 The fares for Private Liveries shall be established primarily by time used rather than distance traveled. The fares shall be a fixed rate and the same rate for all classes of riders. Each licensee shall present its base rate structure at the time of licensing and such structure shall go into effect unless the Board of Selectmen determines otherwise. The Board of Selectmen would reserve the right to review livery rates if, among other things, a passenger voices a complaint.

SECTION III-5 Every Private Livery vehicle licensed hereunder shall have in the vehicle, a photocopy of the livery license.

SECTION III-6 No smoking shall be permitted in any private livery so licensed and a "no smoking" sign shall be displayed on the ashtray in plain view of the rear passenger seats of every vehicle so licensed.

ARTICLE IV SCHEDULED LIMOUSINE SERVICE

SECTION IV-1 Scheduled Limousine services shall be marked clearly on each side of the vehicle with the name of the company and front and back with an identification card displayed in the front and back window thereof, being at least 18 inches by 5 inches wide with the name of the regularly scheduled destination.

SECTION IV-2 No Article IV license shall be issued until the applicant presents proof of registration and insurance in compliance with the provisions of Massachusetts General Laws, Chapter 90,

SECTION IV-3 The fares for scheduled limousine service shall be a fixed rate and the same rate for all classes of riders (senior citizen and children discounts are recommended). Each licensee shall propose its rate structure at the time of licensing and such structure shall go into effect unless the Board of Selectmen determines otherwise. The Board of Selectmen would reserve the right to review livery rates if, among other things, a passenger voices a complaint.

ARTICLE VI SPECIAL OPERATOR'S LICENSES

SECTION VI-1 No person, including owners shall drive or operate a taxi, private livery or scheduled limousine service governed by these Rules & Orders within the limits of the Town of Canton without first obtaining a special operator's license from the Chief of Police. No person shall be eligible to receive such a license who cannot demonstrate familiarity with the streets of the Town of Canton and is either a citizen of the United States or a person lawfully documented for work in the United States. The driver of any vehicle exempted from these Rules & Orders shall also be exempted from the requirement set forth in this Article VI.

SECTION VI-2 For every such special operator's license so granted there shall be paid the sum of \$30.00. Applications for such license must be filed in person, on a form furnished by the Chief of Police or his designee

SECTION VI-3 No such license shall be granted unless the applicant shall possess a current and valid Massachusetts Motor Vehicle Drivers License, and be at least 18 years of age.

Approved 8/24/04
Effective 9/24/04
Amended 12/10/04
Amended 07/01/08

SECTION VI-4 Every licensed operator having charge of a licensed vehicle shall at all times have in his possession his special operator's license. He shall also have in his vehicle a copy of these regulations. Every operator of a licensed vehicle while engaged in the operation of the vehicle shall display his Special Operators License in one of the following four ways: (1) a suitable frame or other device upon the dashboard or (2) sun visor of said vehicle where it is in plain view and can be viewed by passengers riding in the rear seat of the vehicle; (3) As an identification badge either pinned on the drivers shirt/jacket, or (4) on strap around his/her neck.

SECTION VI-5 Every licensed operator shall be courteous and respectful to the passengers of such vehicles and shall operate the same with due regard to the safety of such passengers, the rights of pedestrians, the occupants of these vehicles and the public generally. Said drivers shall be clean and appropriately dressed.

SECTION VI-6 An applicant convicted of any felony or misdemeanor may be barred from receiving or holding a Canton special operators license for up to the following periods of time:

VI-6.01 Five (5) years after the incident leading to the applicant license holder's conviction or admission of sufficient facts or pleas of nolo for the sale or possession of a controlled substance, or for operation under the influence of an intoxicating liquor or of a controlled substance, or for assault and battery.

VI-6.02 Five (5) years after the incident that led to the revocation, or two (2) years after the incident that led to a suspension, of a Massachusetts drivers license.

VI-6.03 Any conviction or finding of responsibility for a moving violation, the Board of Selectmen may suspend the operator's license for a period of time set by the Selectmen, but which shall not exceed seven (7) days,

VI-6.04 Notwithstanding the preceding subsections, where the evidence shows that the applicant's or license holder's other activities or condition would, if combined with the use of an Article II, III or IV License or Special Operators License, present a danger to the health, safety, welfare or morals of the inhabitants of the Town of Canton, the Board of Selectmen may reject an application, or may suspend, revoke or fail to renew an existing license.

SECTION VI-7 Unless otherwise stated, all Special Operators Licenses issued under these Rules & Orders shall be valid from the date of issue until the last day of August following, not to exceed two years, unless sooner revoked. If the operator of the vehicle so licensed terminates his employ, he shall return said license to the Chief of Police or his designee.

Approved 8/24/04
Effective 9/24/04
Amended 12/10/04
Amended 07/01/08

Amendment effective date July 1, 2008.

Canton Board of Selectmen

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Avril T. Elkort, Vice-Chairman

Gerald A. Salvatori, Jr., Clerk

Victor D. Del Vecchio, Member

Robert E. Burr, Jr., Member