

**TOWN OF WESTWOOD
HACKNEY VEHICLE REGULATIONS**

SECTION I. DEFINITION OF TERMS

Whenever in this Regulation the following terms are used, they shall have the meaning respectively ascribed to them in this section:

- (a) Chief of Police - The Chief of Police of the Town of Westwood or the person authorized by the said Chief to act for him and in his behalf pursuant to this Regulation.
- (b) Hackney Board - The Board of Selectmen or the person authorized by the said Board to act on its behalf pursuant to this Regulation.
- (c) Hackney Vehicle - A motor vehicle transporting passengers for hire, and including taxicabs, and public automobiles, but excluding school vehicles.
- (d) Public Automobile - A vehicle for hire for livery purposes without a taximeter.
- (e) Taximeter - A mechanical instrument or device by which charge for hire is mechanically calculated either for distance travelled or for waiting time or for both, and upon which such charges shall be clearly indicated by means of figures.
- (f) The term "convicted" in Section V, para. (c) of these Regulations, when used for determining the number of years that have expired since a criminal conviction occurred, shall mean the later of the following: the date of conviction, the date of release from prison, or the date upon which the applicant's parole/probation terminates.

SECTION II. HACKNEY VEHICLE LICENSES

- a) The Hackney Board is authorized, in accordance with this Regulation, to grant hackney vehicle licenses to suitable persons as determined by an appropriate background check conducted by the Police Department. All licenses shall be for a term of one year to expire at the end of the year. In addition to all other considerations mentioned in this Regulation, the Hackney Board is authorized to grant licenses when in its judgment the public convenience, needs and welfare will be substantially served by such grant.
- b) The fee for the first cab is \$500; each additional cab is \$200 and renewal shall be \$100 for each cab. A check made payable to the Town of Westwood in the amount of \$250 (one half of the first cab fee) must be submitted with the application. This fee is non-refundable. The balance is due upon the approval and issuance of the application and license.
- c) No license shall be sold, transferred or assigned without the prior written approval of the Hackney Board which shall, before granting such approval, determine that the proposed licensee is a suitable person, firm or corporation to receive such license.

- d) Upon change in the Certificate of Registration of a Hackney Vehicle issued by the Registrar of Motor Vehicles of the Commonwealth of Massachusetts, the licensed owner shall within five days of such change present such certificate to the Chief of Police and to the Hackney Board together with his Hackney Vehicle license for notation of such change.
- e) Changes of address of business and/or owner of Hackney Vehicle shall be reported to the Chief of Police and Hackney Board within five days of such a change.
- f) Applications for livery licenses (limousines) must be submitted upon proper form entitled APPLICATION FOR LICENSE, and applicant must fill out CORI application and submit it to Chief of Police.

INSPECTION III. INSPECTION OF HACKNEY VEHICLES

- a) During the submission of an application and on an annual basis during the renewal period, and prior to filing application for Hackney Vehicle license, each owner shall cause his or its Hackney Vehicle(s) to be thoroughly inspected by the Chief of Police, or a qualified person designated by him, in regard to mechanical condition, general appearance and safety.
- b) All Hackney Vehicles must be kept in good condition, suitable for occupancy and mechanically fit for the safety of passengers. The exterior and interior shall be clean and sanitary at all times.
- c) All Hackney Vehicles must display the company name and phone number on the exterior of both the driver and passenger sides of the vehicle in letters and numbers at least three (3) inches high. Such lettering and numbering shall be of a color sufficiently contrasting with the color of the vehicle so as to make them clearly visible.
- d) Each Hackney Vehicle must display a unique unit number in digits at least two (2) inches high on the exterior of both the driver and passenger sides and the rear of the vehicle. Such numbering shall be of a color sufficiently contrasting with the color of the vehicle so as to make them clearly visible.
- e) The Hackney Board shall revoke or suspend the license of any Hackney Vehicle found by it to be unfit or unsuited for public patronage.

SECTION IV. TAXIMETER

- a) Taximeters are mechanical instruments or devices by which the charge for hire is mechanically calculated, either for distance travelled or for waiting time or for both and upon which such charge shall be clearly indicated by means of figures.
- b) The size and design of every taximeter shall be approved by the Commonwealth of Massachusetts' Division of Standards or by the Sealer of Weights and Measures of any community of the Commonwealth.
- c) Prior to the annual inspection of Hackney Vehicles or when vehicles are licensed for the first time, every taximeter shall be inspected and sealed by the Commonwealth's Division of Standards or by the Sealer of Weights and Measures of any community of the

Commonwealth. All meters requiring repair and all new meters installed as replacement must be inspected and sealed prior to use. Taximeters shall also be subject to all Rules and Regulations prescribed by the Director of Standards of the Commonwealth of Massachusetts.

- d) After sundown the face of every taximeter shall be illuminated so as to throw a continuous steady light thereon.
- e) Every driver of a licensed taxicab shall place the flag of the taximeter in a recording position as soon as he takes on a passenger, and shall keep the flag in a recording position so long as said taxicab is engaged.

SECTION V. HACKNEY VEHICLE DRIVER'S LICENSES

- a) No person, including owners, shall operate a hackney vehicle for hire without first obtaining a Hackney Vehicle Driver's License from the Police Department.
- b) The Chief of Police may issue Hackney Vehicle driver's licenses to suitable persons. Hackney Licenses may be renewed by the Chief of Police and shall be valid for two years. Each applicant shall submit a signed release authorizing access by the Chief to the applicant's criminal history from the Criminal History Systems Board.
- c) Applicants shall be deemed unsuitable and will not qualify for a Hackney license if any of the following disqualifying factors apply:
 - a. The applicant is not able to read, understand and/or communicate English.
 - b. The applicant is under eighteen years of age.
 - c. The applicant is addicted to or is a chronic abuser of intoxicating liquors or drugs.
 - d. The applicant has been convicted of a criminal sexual offense or has been deemed a sexually dangerous person as categorized as the Sex Offender Registry Board.
 - e. The applicant has been convicted of violating the Controlled Substance Act within the last ten years.
 - f. The applicant has been convicted of an offense involving firearms within the last ten years.
 - g. The applicant has been convicted of Assault and Battery on a police officer or any crime involving violence within the last ten years.
 - h. The applicant has been adjudicated as a habitual traffic offender within the last ten years.
 - i. The applicant has been involved in five or more incidents involving motor vehicle violations and/or motor vehicle accidents within the last five years.

- j. The applicant does not possess a current, valid driver's license.
- k. A non-refundable fee of one hundred and twenty five dollars (\$125.00) for each license shall be submitted with initial application. This fee is inclusive of the one hundred dollar (\$100.00) fee for civil fingerprinting. A license shall be good for two (2) years and shall expire on the anniversary of the date of issue. The renewal fee shall be fifty dollars (\$50.00).
- l. Photographs will be required of new applicants, renewal applicants, and of applicants requesting to replace a lost or damaged license. A reasonable fee may be charged for the photographs.
- m. Applicants must present, at the time their applications are submitted, a valid driver's license.
- n. When a licensed hackney driver changes his address or his employer, he shall notify the Chief of Police and the Hackney Board in writing within twenty-four hours of such change.
- o. If a license is lost, mislaid, or destroyed, the licensee shall report the same to the Chief of Police immediately, and must apply for a replacement license subject to the terms and conditions of this section.
- p. The Chief of Police and the Hackney Board may revoke or refuse to issue or renew a license if he is of the opinion that the licensee or prospective licensee is not a suitable person.

SECTION VI. PUBLIC AUTOMOBILES - LIMOUSINES

- a) No public automobiles shall so resemble a taxicab as to mislead the public.
- b) Owners or drivers of public automobiles shall not solicit passengers on public ways or from stands.
- c) Rate of fee of public automobiles shall be agreed upon between the person in charge of the automobile and the passenger or passengers. Proof of what shall appear to be an exorbitant charge for services will be regarded as reasonable grounds for believing that the owner or driver so charging is not a suitable person to be licensed.
- d) Ambulances shall not be considered as public automobiles for the purpose of this Regulation.
- e) The fee for the first limousine is \$150 including the first vehicle and \$50 per vehicle after; and \$150 for renewal annually.
- f) Public automobiles shall be inspected after submission of first application and subsequently annually during the license renewal process.
- g) All public automobiles are subject to these Regulations.

SECTION VII. RATE OF FARE FOR TAXICABS

- a) Said rate fare shall be uniform for all licensed taxicabs, namely: \$3.40 for the first 4/5th of a mile; an additional sixty cents (\$.60) for each additional fifth of a mile.
- b) All tolls (one way) for tunnels, bridges, roads, and turnpikes shall be assumed by the passenger or passengers.
- c) A flat rate may be charged for trips originating or terminating beyond the geographical limits of the Town of Westwood. Proof of what shall appear to be an exorbitant charge for services will be regarded as reasonable grounds for believing that the owner or driver so charging is not a suitable person to be licensed.
- d) Waiting time shall include all time during which the vehicle is not in motion, beginning after its arrival at the place to which it has been called, and the party engaging same has been notified. A charge of twenty-four dollars (\$24) per hour of each hour of waiting time shall be made. No charge shall be made for time lost through the inefficiency of the vehicle or its driver, or for time between premature arrival in response to a call and the hour for which the vehicle was ordered.
- e) Hand baggage may be carried by passengers without charge. The carriage of trunks shall be optional with the person in charge of the vehicle, but if carried the charge shall be one dollar for each trunk.
- f) When more than three passengers engage a taxicab an additional twenty-five (0.25) cents per trip may be charged for each passenger over three in number, except that no charge will be made for children under twelve years of age when accompanied by an adult.
- g) When more than one passenger is picked up and not discharged at the same destination, the fare charged to the first passenger will be according to the taximeter at the destination of the first passenger. After the departure of the first passenger the taximeter flag will be dropped again and the second passenger will then pay the fare according to the taximeter at the destination of the second passenger. The first passenger to be let off shall be the one whose destination is nearest to the point of departure. The same process is to be followed for each passenger in the taxicab.
- h) These rates are subject to change by the Hackney Board.

SECTION VIII. WAYBILLS

The driver of a licensed Hackney Vehicle must keep on a form approved by the Chief of Police and produce upon demand of the Chief of Police or any officer designated by him, a record of all trips made by said vehicle and containing all information requested on the said approved form for each calendar day, said forms to be kept by the licensed owner for a period of one hundred eighty (180) days.

SECTION IX. LOST PROPERTY

Hackney drivers shall immediately after delivering any passenger, search said vehicle for any property which may have been left therein, and any such property found therein shall be delivered by the finder as soon as possible, but no more than twenty-four hours, and brought to the Chief of Police.

SECTION X. DISPLAY OF RATE OF FARE, HACKNEY VEHICLE LICENSE, AND HACKNEY VEHICLE DRIVER'S LICENSE

The driver of a Hackney Vehicle shall display on the inside of the vehicle in a clear view of the passengers a card indicating the current rate of fare, His/her hackney driver's license, and a Hackney Vehicle license, except in the case of public automobiles where no rate card is to be displayed.

SECTION XI. CONDUCT OF HACKNEY VEHICLE DRIVERS

- a) No driver in charge of a licensed taxicab while awaiting the employment of passengers, shall stand the same in any public street or place other than at a stand, nor shall any driver of such taxicab seek employment by repeatedly and persistently driving his vehicle to and from in a short space before, or by otherwise interfering with the proper and orderly access to or egress from any theatre, hall, hotel, public railroad station or other places of public driving through assembly, but any licensed taxicab driver may accept employment while driving through any public street or place without stops other than those due to obstruction of traffic and at such speed as not to interfere with or impede traffic.
- b) No driver of any licensed taxicab shall solicit and pick up passengers within one hundred feet of an established stand when there are Hackney Vehicles on the said stand.
- c) While at a designated taxi stand, a taxicab driver must remain in his taxi except for the purpose of assisting a passenger to or from the front door of a building. Should a taxicab driver need to leave his/her cab, such as to use a restroom, he/she must move their taxicab from the stand to a legal parking spot and forfeit their his/her place in line.
- d) No taxicab driver shall park for a period of more than ten minutes or loiter within 1,000 feet of a designated taxi stand.
- e) A driver of a licensed taxicab shall not refuse, unless previously under hire or unless the conditions are such as those described in this section, to carry any passenger lawfully entitled to be carried in a taxicab.
- f) Except as permitted by this Regulation, a taxicab shall not demand from any passenger more than the fare recorded on the taximeter, regardless of the number of passengers conveyed except as provided for elsewhere on these Regulations; i.e. baggage, extra passenger, etc..
- g) No driver having charge of any licensed taxicab shall take up or carry any other passenger after the taxicab has been occupied or engaged by any prior passenger, until any such prior passenger shall have discharged said taxicab, without the consent of such prior passenger.

Any such prior passenger shall not be obliged or requested to pay any extra fee or fare for refusing such consent.

- h) Dress Code for Taxi Drivers:
Every driver having charge of a licensed taxicab in a public place shall be hygienically clean, well groomed, and neat and clean in appearance, suitably dressed.

SECTION XII. TAXICAB SERVICE

- a) All persons engaged in the taxicab business in the Town of Westwood operating under the provisions of these Rules and Regulations shall render an over-all service to the public desiring to use taxicabs.
- b) Calls received for services inside the town limits of Westwood shall be answered as soon as possible and if service cannot be rendered within a reasonable time, the prospective passenger shall be notified how long it will be before the said call can be answered.
- c) Any licensed owner who refuses to accept a call anywhere in the town limits of Westwood at any time when such owner has available taxicabs, or who shall fail or refuse to give over-all service, shall be deemed a violator of these Regulations and licenses granted to such owner may be revoked at the discretion of the Hackney Board.

SECTION XIII. OUT-OF-TOWN HACKNEY VEHICLES

No person, firm, or corporation not having a Hackney Vehicle driver's license issued by the Chief of Police of the Town of Westwood shall drive or have charge of a Hackney Vehicle, nor shall any person, firm, or corporation set up and use a Hackney Vehicle in the Town of Westwood without a Hackney Vehicle license, provided, however, that nothing herein contained shall be construed as prohibiting a driver of a Hackney Vehicle licensed outside the Town of Westwood from driving through said town or from delivering in said town a passenger accepted outside said town or from accepting within the Town of Westwood passengers for hire if summoned by or at the request of said passengers by radio or telephone to do so.

SECTION XIV. NUMBER OF HACKNEY LICENSES

In order to provide adequate coverage to the Town of Westwood and ensure healthy competition, the Hackney Board may limit the number of licensed Hackney Vehicles. It may also limit the number of Hackney Vehicle licenses issued to any one company.

SECTION XV. HACKNEY VEHICLE SPACES

- a) Hackney vehicle parking spaces shall be assigned at the discretion of the Hackney Board. Prior to the award of such space, the Board shall receive a written report from the Safety Officer and anyone else deemed by the Board to be affected by the request.
- b) The grant of such space may be revoked by the Hackney Board if it deemed it in the public interest to do so. Changes of business and/or owner of Hackney Vehicles shall be sufficient to revoke any use of any parking space.

SECTION XVI. VIOLATIONS AND PENALTIES

- a) Violations enforced by means of a non-criminal citation will follow the appeals process as outlined in MGL C 40 §21D and by Section XVII of these Regulations.
- b) All other complaints and violations of these Regulations against Hackney Vehicle drivers shall be brought before the Chief of Police or his designee who shall hear the facts, and render a decision within fourteen (14) days of said hearing. If the Hackney Vehicle driver is found guilty of the complaint or violation, the Chief of Police may suspend the license of the offending or driver.
- c) All other complaints and violations of these Regulations against Hackney Vehicle owners shall be brought before the Chief of Police or his designee who shall hear the facts, and render a decision within fourteen (14) days of said hearing. If the Hackney Vehicle owner is found guilty of the complaint or violation, the Chief of Police may suspend the company license for a period of time to not to exceed thirty (30) days.
 - a. Should the Police Chief render a recommendation of revoking of the owner's company license within the Town of Westwood, said recommendation will be forwarded to the Hackney Board in which time the Hackney Board will schedule a hearing within thirty (30) days of receipt of the recommendation.
 - b. Until such time as the Hackney Board has rendered a decision, the Hackney Vehicle Company license will be suspended.
- d) Any Westwood Police Officer may stop a licensed Hackney Vehicle or any vehicle in a Taxi Stand space to verify Hackney Vehicle and Driver's License status.
- e) These rules can be enforced by any Westwood Police Officer or other law enforcement officer authorized to serve criminal process.
- f) The violations and penalties are set forth in the Code of the Town of Westwood, Article VIII: Hackney Carriages; Taxicabs and Vehicles for hire, Section 21: Hackney/Taxi license penalties, and as set in Appendix A of these Rules and Regulations.

SECTION XVII. APPEAL

- a) Any Hackney Vehicle driver or owner or any person or persons claiming to be aggrieved by a finding of the Chief of Police shall have the right to appeal to the Town Administrator [§380-21(E)], provided the appeal is filed in writing within 21 days of the date of the finding [§380-21(E)]. Pending a final determination of said appeal, no decision of the Chief of Police shall be put into effect.
- b) Appeals shall be heard by the Town Administrator which shall hold a hearing within thirty (30) days of the filing of the appeal.
- c) The appellant shall have the right to be represented by counsel at said hearing, to introduce such evidence as he may desire, and to cross examine all witnesses. The Town Administrator shall file its report and findings with the Chief of Police within forty-eight

Appendix A

Article VII: Hackney Carriages; Taxicabs and Vehicles for Hire

[Adopted 5-7-2012 ATM by Ord. No. 36]

§380-20 Board to regulate; availability of regulations; notice

The Board of Selectmen, pursuant to the provisions of MGL c. 40, §22, may make such rules, orders, and regulations for the licensing and operation of hackney carriages, taxicabs and vehicles for hire operated within the Town of Westwood and relative to the licensing of the operators thereof, including the imposition of penalties for violations therefor, as the Selectmen deem necessary and advisable from time to time. Such rules, orders and regulations shall be printed in a form made available to applicants for such licenses. Notice thereof and of said regulations and any changes thereon shall be duly published in a newspaper, all as prescribed by MGL c. 40, §22.

§380-21 Hackney/taxi license penalties

[Added 5-4-2015 ATM by Art. 18]

Whoever violates any of the rules and regulations promulgated under §380-20 shall be punished as follows:

- A. Violations related to the licensing of taxis or the conduct of taxi operators as required by the regulations shall be punished by a fine of \$300. Violations shall include, but are not limited to; operating a taxi company without a proper license, operating a taxi without a proper license, allowing an improperly licensed taxi driver to operate a taxi and refusing to accept a passenger.
- B. Any other violations as required by the regulations related to the lawful operation of a taxi and/or taxi company shall be punished by a fine of \$100 for the first offense, \$200 for the second offense, and \$300 for each subsequent offense.
- C. Notwithstanding any violation or fine referenced by in the previous paragraphs, the license of a duly licensed taxi company, taxi operator or both may have said licenses suspended or revoked for a period of time determined appropriate by the Chief of Police based on conduct that he/she deems to be in violation of this bylaw, the regulations cited above or that is necessary to ensure the health, safety and/or welfare of the Town.
- D. Any violations of this bylaw shall be issued using a civil violation notice as approved by the Town.
- E. Appeals will need to be filed with the Town Administrator's Office, 580 High Street, Westwood, MA 02090 within 21 days after the date of the violation. The Town Administrator will set up a hearing on said appeal in or within 30 days of the appeal; otherwise payment must be received within that time or be subject to interest and demand notice charge to be set by the Board of Selectmen. Failure to pay a fine that has been imposed within 30 days of the date of issuance or the date of a decision of an appeal may result in the revocation of license.

hours of the termination of the hearing, said report and finding to be final and binding on all the parties. The Chief of Police shall act pursuant to such report and findings, and immediately notify all parties involved.

d) Licenses revoked by the Hackney Board may not be appealed.

SECTION XVIII. EFFECTIVE DATE

This Regulation shall become effective on April 7, 2014.

SECTION XIX. PROVISIONS SEVERABLE

If any part, section, or subdivision of these Rules and Regulations, or the application thereof, shall be held invalid, unconstitutional or inoperative as to any particular person, persons or conditions, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these Rules and Regulations are declared to be severable.

These Regulations are hereby adopted this 7th day of April, 2014.

Revisions to these Regulations are hereby adopted this 11th day of April, 2016.

BOARD OF SELECTMEN



Michael F. Walsh, Chairman



Patrick J. Ahearn, Clerk



Nancy C. Hyde, Third Member