

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, - S - of the Ordinances of the City of Portsmouth be stricken in its entirety and replaced as follows:

ARTICLE II: TAXIS

Section 7.201: PURPOSE

It is the intention of this ordinance to provide a structure for the regulation of motor vehicle operators who seek to hold themselves out as operators of a taxi, accepting the special benefits and burdens of that particular designation.

Section 7.202: TAXI DEFINED

The term "Taxi" shall mean any motor vehicle used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passenger; except that this Ordinance shall not apply to the following:

- A. Limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;**
- B. Limousine services whose operator is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse; and**
- C. Transportation network companies and their operators who are regulated under the laws of the State of New Hampshire.**

Section 7.203: OPERATOR AND OWNER DEFINED

- A. The term "Operator" as used in this Ordinance shall mean the person driving or having control or possession of a motor vehicle while it is being used as a Taxi.**
- B. The term "Owner" as used in this Ordinance shall mean the person or business entity having the ownership or leasehold of any vehicle used or licensed to be used as a Taxi.**

Section 7.204: MEDALLION REQUIRED

No vehicle shall be operated as a Taxi unless that vehicle has been issued a Medallion and such Medallion has not be suspended or revoked. The word "Medallion" shall mean the permission granted by the City of Portsmouth for a vehicle to be used as a Taxi.

Section 7.205: TAXI LICENSE REQUIRED

No person shall operate a motor vehicle as a Taxi within the City of Portsmouth unless such person holds a valid Taxi License issued by the City Clerk and is operating a vehicle with a valid Medallion.

Section 7.206: TAXI LICENSE REQUIREMENTS

- A. Any person seeking a Taxi License shall submit an application to City Clerk. Such application shall require the applicant to submit the results of a criminal background check and motor vehicle record history, residential history for the preceding ten (10) years, a passport photograph and such other information as the City Clerk reasonably deems necessary to determine if the applicant meets all minimal requirements for the issuance of a Taxi License. The City Clerk has the authority to require the submission of results of criminal background checks and motor vehicle history records from multiple jurisdictions depending on the residency and residential history of the individual applicant.**
- B. The City Clerk shall have the authority to issue a Taxi License upon the submission of documentation satisfactory to the City Clerk and Taxi Inspector that the applicant meets the following criteria:**
- 1. Possesses a valid motor vehicle operator's license;**
 - 2. Maintains a satisfactory motor vehicle record as defined in Section 7.206 (C);**
 - 3. Has no disqualifying criminal conduct as defined in Section 7.206 (D); and**
 - 4. Has received no more than three (3) violations of this ordinance in the year preceding the application and no more than six (6) total in all preceding years; and**
 - 5. Payment of Taxi License fee.**

The City reserves the right to deny a Taxi License to an unsuitable person.

- C. A motor vehicle record shall be deemed not satisfactory if:**
- 1. The applicant has three or more convictions for moving violations, in this or any other state, in the three years prior to the date of the application.**
 - 2. The applicant has lost his/her privilege to operate a motor vehicle (license revoked and/or suspended) at any time, in this or any other state, in the three**

years prior to the date of the application, for any reason related to the operation of a motor vehicle.

D. Disqualifying criminal conduct is defined as:

- 1. The applicant has been convicted of a felony or misdemeanor, in this or any other state, in the seven full years prior to the date of the application.**
- 2. The applicant has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen full years prior to the date of the application.**

E. By submitting an application, applicant authorizes the City to undertake such investigation as it deems reasonably necessary to verify the applicant's statements and eligibility to hold a Taxi License.

F. Administrative appeal of any decision of the City Clerk relative to issuance or denial of a Taxi License shall be made in writing and delivered to the City Attorney within thirty (30) days of the decision. Appeals shall be to the Taxi Inspector, with notice of the opportunity to be heard and to respond; such opportunity to occur within thirty (30) days of receipt of the appeal.

Section 7.207: MEDALLION REQUIREMENTS

A. Any Owner seeking a Medallion for a vehicle shall submit an application to the City Clerk. Such application shall require the Owner to provide the vehicle identification number, proof of insurance and such other information as the City Clerk reasonably deems necessary to determine if the applicant meets all minimal requirements for the issuance of a Medallion.

B. The City Clerk shall have the authority to issue a Medallion upon the submission of documentation satisfactory to the City Clerk and Taxi Inspector that the following criteria have been met:

- 1. Vehicle registration;**
- 2. Vehicle has the required markings as set forth in Section 7.211 (A) and (B);**
- 3. Proof that the vehicle passed a state inspection in the 60 days preceding the application request- such inspection must have occurred at a manufacturer's dealership for the make of the vehicle to be used as a Taxi;**
- 4. Proof of adequate personal injury and property damage liability insurance coverage for the term of the Medallion; and**
- 5. Payment of Medallion Application Fee.**

- C. Adequate insurance shall be personal injury coverage of not be less than three hundred thousand dollars (\$300,000) for injury to one person with a total coverage of not less than five hundred thousand dollars (\$500,000) for each accident. The property damage coverage shall be not less than fifty thousand dollars (\$50,000) per occurrence.**
- D. Administrative appeal of any decision of the City Clerk relative to issuance or denial of a Medallion shall be made in writing and delivered to the City Attorney within thirty (30) days of the decision. Appeals shall be to the Taxi Inspector, with notice of the opportunity to be heard and to respond; such opportunity to occur within thirty (30) days of receipt of the appeal.**

Section 7.208: TAXI INSPECTOR

There shall be a Taxi Inspector who shall be an officer of the Portsmouth Police Department assigned by the Chief of Police. That officer, in addition to his or her regular duties, shall assist the City Clerk with the implementation of this Ordinance, conduct background investigations and have the enforcement powers set forth in this ordinance.

Section 7.209: FEES AND TERMS FOR LICENSES AND MEDALLIONS

- A. All Medallions and licenses granted under this chapter shall continue and remain in full force and effect for a period from the first day of April each year until midnight on the 31st day of March of the following year.**
- B. All applications for renewals of Medallions or licenses must be filed with the City Clerk no earlier than February 1 and no later than March 1.**
- C. Fees shall be set by the City Council as part of its annual budget adoption process as set forth in Chapter 1, Article XVI.**
- D. Until such time as the fees are set by the City Council under paragraph 7.209 (C), the fees are as follows:**
 - 1. The first time fee for a Medallion shall be one hundred twenty-five dollars (\$125.00) each year or any part of a year, prorated on a monthly basis commencing on April 1st for each Taxi payable in advance on application for the Medallion. The renewal fee shall be one hundred dollars (\$100.00).**
 - 2. The fee for a Taxi License shall be sixty-five dollars (\$65.00) per year or any part of a year, prorated on a monthly basis commencing on April 1st. The renewal fee shall be \$50.00.**
 - 3. The fee for restoration of any Medallion that has been revoked shall be one hundred dollars (\$100.00), except that when the revocation is due to failure to meet vehicle inspection requirements, no fee shall be due if the vehicle is**

repaired to the satisfaction of the Taxi Inspector within 24 hours of the revocation.

- E. If required insurance coverage terminates, expires or is suspended, Owner shall immediately suspend service until insurance coverage is in place. All required insurance policies shall contain a provision, which will provide for the automatic notification by the insurer to the City of the cancellation or expiration of the policy. Notice shall be mailed to the City Clerk.

Section 7.210: TAXI OPERATOR CONDUCT

A Taxi Operator shall:

- A. Use only a vehicle that has been issued and displays a Medallion;
- B. Display a copy of his/her Taxi License in a conspicuous place within the Taxi where it may be seen by any passenger;
- C. Not laminate, deface or alter the Taxi License;
- D. Not stand or park on any street except at designated Taxi stands or bus stops, except while actually engaging in taking on or discharging passengers;
- E. Not engage in any conduct that endangers the health, welfare or safety of passengers or the public; and
- F. Report in writing to the City Clerk any and all of the following:
 - 1. Any change of address within thirty (30) days of such change;
 - 2. Any motor vehicle motor vehicle moving violation within seven (7) days;
 - 3. Any motor vehicle license suspension or revocation within seven (7) days; and
 - 4. Any misdemeanor or felony arrest within seven (7) days.

Any failure to report shall be a violation of this Ordinance and may result in the revocation of the Taxi License.

Section 7.211: MEDALLION OWNER REQUIREMENTS

- A. Each Taxi shall have a roof light attached to the roof of the Taxi with the firm name or the word "Taxi" inscribed thereon and operating during evening hours when the Taxi is on duty. There shall be no other lights on a Taxi, except those required by law.
- B. Each Taxi shall have the Medallion holder's name displayed on the sides thereof in letters not less than three (3) inches in height.

- C. Each Taxi shall display two license plates furnished by the City of Portsmouth with the word "TAXI" on the plates; such plates shall be attached in a conspicuous place on the front and rear of the motor vehicle operated.

Section 7.212: TAXI STANDS AND HAILS

- A. The term "Taxi stand" as used in this Ordinance shall be construed to mean such portion or portions of the public street or highway as shall be designated by the City Council of the City of Portsmouth as a place in which Taxis may stand or park.
 - 1. No Owner or Operator of any Taxi shall allow or permit a Taxi to remain standing or parked unattended for longer than five (5) minutes at any Taxi stand.
 - 2. No Operator shall park a Taxi in a double line at a public stand nor shall any Operator park a Taxi in such a manner as to interfere with traffic, either vehicular or pedestrian, at any location.
 - 3. No more than two (2) Taxis owned by the same person or business entity shall occupy any one Taxi stand at any one time.
- B. Taxis may accept street hails.

Section 7.213: ADDITIONAL OPERATOR AND OWNER REQUIREMENTS

All Operators and Owners shall:

- A. Ensure that fares are posted, published or otherwise available to the passenger before engagement of the fare;
- B. Provide a written receipt if requested;
- C. Decline multiple fares unless each passenger consents;
- D. Prohibit the use of smoking materials of any kind within the Taxi at any time; the Owner of each Taxi shall post a notice in each Taxi, plainly visible to all occupants of the Taxi, reading, "No Smoking"; and
- E. Maintain the Taxi in a safe, clean and sanitary condition at all times.

Section 7.214: ENFORCEMENT

- A. If the Taxi Inspector reasonably believes that a Taxi may no longer be safe during the term of the Medallion period, the Taxi Inspector may order the Owner to have the Taxi re-inspected, at Owner's cost, at a manufacturer's dealership as required under section 7.207(B)(3).

- B. Any Portsmouth Police Department officer may:**
- 1. Issue a written notice of violation of this Ordinance.**
 - 2. Issue a Defective Equipment notice to the Owner and/or Operator of the Taxi requiring correction of the defect with 24 hours with proof of correction provided to the Police Department to avoid automatic suspension of the Medallion. The Medallion will be immediately surrendered to the City Clerk after 24 hours if proof of correction is not provided to the Police Department.**
 - 3. Suspend immediately an Operator's Taxi License or an Owner's Medallion upon a reasonable belief that there is an imminent danger to the health, safety or welfare of passengers or the public.**
- C. Administrative appeals of any notice of violation, defective equipment notice, suspension or revocation shall be made in writing by the Operator or Owner and delivered to the City Attorney within fourteen (14) days of the suspension, revocation or notice of violation. Appeals shall be to the Taxi Inspector, with notice to the Operator or Owner of the opportunity to be heard and to respond.**
- D. If the Taxi Inspector determines after notice and response that any violation of state law or this Taxi ordinance has occurred, the Taxi Inspector may, in addition to the actions set forth in Section 7.214 (A), take one (1) or more of the following actions.**
- 1. Remove the Medallion from the Taxi in violation until the violation is corrected and proof of correction is provided to the Taxi Inspector;**
 - 2. Suspend or revoke any Medallion or License;**
 - 3. Refer for prosecution any violation of this Ordinance.**
- E. Any person or entity in violation may be subject to a fine of no more than \$300 upon conviction by the Portsmouth District Court.**

Section 7.215 APPEALS

Written final decisions of the City Clerk and the Taxi Inspector relative to the issuance, suspension and revocation of licenses, medallions and other actions of enforcement made pursuant to this Ordinance are final. Persons aggrieved of the decisions of the City Clerk and/or Taxi Inspector shall have all rights and remedies available to them in the courts of the State of New Hampshire.

Section 7.216: RECIPROCITY WITH OTHER MUNICIPALITIES

Taxis which are licensed in other municipalities may deliver passengers from outside the City to destinations within the City or pick up passengers by prior arrangement in the City for delivery to destinations outside the City.

Section 7.217 TRANSITION PERIOD

Owners and Operators operating a Taxi upon the effective date of this Ordinance may continue to operate while Taxi License and Medallion applications are pending under this Ordinance and a final decision has been made to approve or deny the Taxi License or Medallion application.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall become effective as of February 1, 2017.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk