

**BE IT HEREBY ORDAINED BY THE MALDEN CITY
COUNCIL THAT CHAPTER 6, OF THE REVISED
ORDINANCES OF 2020 BE AMENDED BY ADDING
PROVISIONS FOR SHARED NEIGHBORHOOD AUTOS
FOR PASSENGERS (SNAPs)**

Sponsor Councillor Winslow

**SECTION 6.15 VEHICLES FOR HIRE - GENERAL
REQUIREMENTS**

A. DEFINITIONS

LIVERY: a vehicle for hire engaged prior to the date on which the trip is commenced with charges based on time, total distance traveled or other criteria agreed to by the parties to the transaction.

TAXI: a vehicle for hire engaged at the time the trip is to commence with charges based on distance traveled as metered in increments of a mile or fraction thereof; provided that nothing in this definition shall prevent a taxi from providing flat-rate or pre-arranged services.

SHARED NEIGHBORHOOD AUTO FOR PASSENGERS (SNAP): an electric-powered motor vehicle restricted to trips of twenty (20) miles or less offered for rental and use by licensed drivers that is engaged and accessed using a mobile device or computer with charges based on time, total distance traveled or other criteria specified by the vehicle's owner prior to confirmation of the rental.

B. LICENSE REQUIRED

.1 No person shall set up or offer a taxi, ~~or livery~~ or SNAP service for the transportation of persons from place to place within the City or from this city to another city or town without a license from the City Council. A license shall not be required when a vehicle for hire is used to transport persons from another city or town to this city, provided that no passengers are solicited or picked up within the Malden city limits.

.2 Licenses to own or operate a taxicab, ~~or livery~~ or SNAP service may not be sold, conveyed, assigned, or transferred without the consent of the City Council.

.3 The number of taxicab licenses shall be limited to 39 and for SNAP vehicles to 10. Said limitation shall be subject to periodic review by the City Council to assure that service needs of residents are adequately met.

.4 There shall be no limitation on livery licenses, provided that every license shall meet

the minimum requirements as outlined below.

.5 Licenses to set up and operate a livery, ~~or~~ taxi cab or SNAP service shall be renewable annually in February.

.6 Taxicabs, ~~or~~ liveryes or SNAPS not licensed by the City of Malden shall not stand or park on public or private property except in the following circumstances:

-when discharging a fare originating outside the city; or

-when being used for personal, non-proprietary purposes.

No taxicab, ~~or~~ livery or SNAP not licensed by the City of Malden shall solicit passengers within the city limits.

.7 Application for said license shall include the vehicle identification number and registration of any vehicle to be licensed; provided that said information may be waived in an application for an new license, provided that said information be provided to the City Clerk's Office within six (6) months of issuance of the license. Except as provided above, failure to register a licensed vehicle or cancellation of registration on a licensed vehicle shall render the license null and void. When any information provided in an application for a license changes or is updated, the respective licensee or permit holder shall give notice thereof, in writing, to the City Clerk within 20 days thereof.

.8 No owner or operator of a livery or taxicab service shall permit anyone to drive a licensed vehicle without first having obtained a taxi driver's license from the City Council.

.9 Prior to the denial of any application for license to drive a taxi or livery, the applicant shall have the right to request a hearing before the City Council License Committee.

C. MINIMUM REQUIREMENTS – TAXIS

.1 All taxicab owners shall maintain an office in the City of Malden and shall pay excise to the City on all licensed vehicles. Said office shall comply with the zoning ordinances of the City of Malden and shall provide adequate space for off-street storage of all licensed vehicles.

.2 Prior to the licensing of a taxicab, and at no less than once per year, each taxicab shall be inspected at a fee of \$10.00 by the Sealer of Weights and Measures or a designee. All taxicabs must be kept in good condition, suitable for occupancy and fit for the safety of passengers. The interior and exterior shall be clean and sanitary at all times. At least once per week, all taxicabs shall be thoroughly cleaned, inspected, and repaired as necessary by the owners.

.3 Every taxi-cab shall bear the true name of its owner, together with the word "Malden" printed on both of its sides in letters not less than 4" high and 1/2" wide. Every taxicab shall have the words "taxi", "cab", or "taxicab" printed on the body of the vehicle in letters not less than 3" in height.

.4 Exclusive of signs and lights indicating that the vehicle is a taxicab, the vehicle may carry not more than one (1) exterior advertising rack.

.5 Any taxicab company or companies with any or all common directors, officers or shareholders having twenty (20) or more licensed vehicles shall provide one (1) handicapped accessible (wheelchair) vehicle for each 5 additional licensed taxis over twenty (20). In the event an owner acquires a van, the same shall be handicapped accessible. Handicapped accessible taxicabs must be operated only for the pickup of passengers within the city limits unless deployed to transport fares from outside the city to a point within the city.

.6 No licensee shall pick up or deliver alcoholic beverages from any store to any other place. Only passengers may pick up alcoholic beverages from a package store. No licensee shall transport any passenger who has in their possession any open container of an alcoholic beverage pursuant to G.L.c. 138, s22.

.7 Maximum fares shall be as follows:

- \$ 2.25 first 1/8 mile
- \$.50 each additional 1/8 mile
- \$22.00 waiting time;

provided that, should the price per gallon of gasoline as determined by the Consumer Price Index U.S. City Average Price Data fall below \$1.75 for more than two consecutive months, the maximum fare for each additional 1/8 mile shall be reduced to \$.35.

Nothing in this ordinance shall require that maximum rates be charged but no company shall charge fares in excess of the maximums set forth above. Persons 65 years of age and older shall receive a minimum discount of 10% on their final fare.

.8 No person having the charge, care or ordering of any taxicab shall take up or carry any passenger after the cab has been occupied or engaged by any prior passenger without the consent of the prior passenger or until such prior passenger shall have discharged said carriage. Any such prior passenger shall not be obligated or requested to pay any extra fare or fee for refusing such consent.

.1 Subject to the aforesaid consent of the passenger, no taxicab driver shall collect a double fare for the carriage of more than one passenger.

.2 As to passengers engaging the taxicab at different origins the first passenger so engaging the taxicab shall be responsible for the fare to that passenger's destination, and the subsequent passenger shall be responsible for the fare from that point to the point of the destination of said subsequent passenger.

.3 As to passengers engaging the taxicab at the same origin but traveling to different destinations, the passenger arriving at the first destination shall be responsible for the full fare from the point of origin to the point of destination; subsequent passengers shall pay the difference between the fare at the prior drop point and the fare at the subsequent destination.

.4 As to passengers engaging the taxicab at the same origin and proceeding to the same destination, each passenger shall be responsible for an equal share of one (1)

fare.

.5 In no event shall the total fee charged exceed the metered fee for the final destination.

.9 A copy of this ordinance, the fare schedule, and all applicable licenses shall be displayed in the vehicle within passenger view and for passenger inspection when requested.

.10 No licensee shall permit a motor vehicle to stand in any street except at a public stand or when waiting to return the original passenger.

D. MINIMUM REQUIREMENTS - LIVERIES

.1 All livery owners shall maintain an office in the City of Malden and shall pay excise to the City on all licensed vehicles.

.2 Livery businesses shall comply with the zoning ordinances of the City of Malden and shall include adequate off-street parking for all licensed vehicles.

.3 The operation of a livery service shall not be permitted under the Home Occupation Section of the zoning ordinance, provided that any person licensed to operate a livery service on Dec. 1, 2001 whose business does not meet this requirement may apply annually for renewal of said license. Said licensees shall be eligible for re-licensing provided that they meet the following criteria:

1. that the business has remained in continuous operation since December 1, 2001;
2. that the applicant is the same person or entity licensed as of Dec. 1, 2001. For purposes of this section, a corporation shall be considered the same entity only so long as a majority of its officers, directors and/or shareholders remain the same;
3. that the business is operated from the same location;
4. that, in addition to the number of parking spaces required for a residential use under the zoning ordinance, the business has additional off-street parking sufficient to accommodate off-street parking of all licensed vehicles.

.4 Regardless of any parking regulations that may pertain to passenger or other commercial vehicles, no livery vehicle shall at any time be left unattended on a public way in the City of Malden.

E. MINIMUM REQUIREMENTS FOR SNAPS

.1 All SNAP vehicles licensed for use in Malden must be registered in Malden and shall pay excise taxes to the City on all licensed vehicles.

.2 Prior to the licensing of a SNAP, and at no less than once per year, each SNAP shall be

inspected at a fee of \$30.00 by the Sealer of Weights and Measures or a designee. All SNAPs must be kept in good condition, suitable for occupancy and fit for the safety of passengers. The interior and exterior shall be clean and sanitary at all times. At least once per week, all SNAPs shall be thoroughly cleaned, inspected, and repaired as necessary by the owners.

3. SNAP owners shall provide one recharge station within the City per vehicle where the owner and SNAP users have permission to park SNAPs during re-charge. Such stations may be provided on private property or by further license with the City.

.4 Every SNAP shall bear the true name of its owner, together with the word "Malden SNAP" along with the website or mobile application used to join the service printed on both of its sides in letters not less than 4" high and 1/2" wide. SNAPs shall not otherwise have advertisements on them.

.5 SNAP license holders shall provide the City the name and phone number of a maintenance and tow service hired by the owner to be on call 24- hours a day that can remove any inoperable, damaged or improperly parked SNAP, move SNAPs during snow emergencies or clear snow from the vehicles.

.6 SNAP vehicles duly-licensed by the City Council may be parked on public ways in accordance with rules established by the Traffic Commission for SNAPs provided that they are moved to be re-charged at least once per week and before street sweeping. A copy or link to the Traffic Commission regulations on where a SNAP can be parked shall be prominently posted in each vehicle. The Traffic Commission may require SNAP licensees to fund the installation of signs indicating where SNAPs can be parked.

FE. LICENSE REQUIREMENTS - TAXI OR LIVERY DRIVERS

.1 No person shall operate any vehicle licensed as a taxi under this section without a license from the City Council. Application for license shall be accompanied by the following:

- .1 proof of a driver's license that is valid in Massachusetts;
- .2 four (4) recent 1.5" by 1.5" photographs in which the applicant's face is clearly visible;
- .3 a release signed by the applicant, authorizing city personnel to access the applicant's criminal record.

.2 The City Council may deny a license, without a hearing, to any applicant who:

- .1 has a criminal proceeding pending;
- .2 has been convicted of or has admitted to sufficient facts in a non-violent felony within one year of the date of application;
- .3 has been convicted of or has admitted to sufficient facts in a violent felony within three years of the date of application;
- .4 has been convicted of or has admitted to sufficient facts in an alcohol or drug related misdemeanor within one year of the date of application;

provided that no person shall be granted a license within three years of conviction or admission of sufficient facts in an alcohol or drug related misdemeanor which is a second offense;

.5 has been convicted of or has admitted to sufficient facts in three or more drug or alcohol related offenses within ten years of the date of application;

.6 has been convicted of or has admitted to sufficient facts in an alcohol or drug related felony within three years of the date of application;

.7 has been released from incarceration in a correctional facility within one year of the date of application;

.8 is included on or has been removed from the Massachusetts Sex Offender Registry within two years of the date of application;

.9 has been determined responsible for three (3) or more motor vehicle accidents within two years of the date of application.

.3 The City Council may deny a license for any reason not enumerated in Section 6.27.5.2 (above); provided that, prior to said denial, the applicant shall have a right to hearing before the License Committee.

.4 No person, other than the owner of a licensed livery, shall operate a livery vehicle for hire without having obtained a license from the City Council. Applications for livery license drivers shall be governed by Section 6.27.5.1-6.27.5.3

GF. PENALTY FOR VIOLATIONS OF ORDINANCE

.1 Enforcement of the provisions of this ordinance shall be the daily responsibility of the Chief of Police and all police officers of the City of Malden. The Chief of Police shall designate on an annual basis, in February, an officer to act as liaison between the City Council License Committee and the Police Department and shall notify the City Council License Committee of any concerns or violations of any provisions of this ordinance by any owner or operator.

.2 Prior to suspension, revocation or modification of any license, a hearing, upon at least three days written notice to the last known address of the licensee, will be held before the City Council License Committee.

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