CITY OF BURLINGTON

ORDINANCE _____
Sponsor: Councilors Dober, Berezniak, Mulvaney-Stanak: License Com.
Public Hearing Dates _____
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Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

In the Year Two Thousand Eleven

An Ordinance in Relation to

VEHICLES FOR HIRE -
Taxi Rewrite

It is hereby Ordained by the City Council of the City of Burlington, as follows:

That Chapter 30, Vehicles for Hire, of the Code of Ordinances of the City of Burlington be and hereby is amended by deleting Chapter 30 in it's entirety and replacing it with the following:

Division 1. Generally

Sec. 30-16. Purpose of article.

It is hereby declared that the business of operating motor vehicles for the carriage of passengers for hire along the public highways of this city and on the grounds of the Burlington International Airport (airport) is one affected with a public interest; that the rapid increase of the carriage of passengers for hire by motor vehicles and the lack of effective regulation have increased the dangers and hazards on the public highways; and that much more stringent regulations are imperative to the end that the highways may be rendered safer for public use, congestion of traffic minimized and the motor vehicle accident rate decreased, and the use of the highways for the transportation of passengers for hire restricted to the extent required by the necessities of the public and the various agencies within the city for the transportation of passengers for hire adjusted and correlated so that the highways may serve the best interests of the people of this city. To secure such ends is the purpose of this article.

Sec. 30-17. Definitions

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

Airport. Airport shall mean the Burlington International Airport and all other properties owned, operated, leased or controlled by the Airport, including all parking facilities.

Airport Ground Transportation Personnel. Airport ground transportation personnel shall mean the person(s) appointed by the airport or with whom the airport contracts to assist in the enforcement of airport and vehicle for hire regulations and to provide assistance to the traveling public.

Applicant. An applicant is a person seeking a license or permit from the City to operate a vehicle for hire or to operate a taxicab or contract vehicle business in the City of Burlington or at the Airport.

Baggage-handler. Baggage-handler shall mean a motor vehicle utilized to make trips on call or under contract for the transporting of baggage only, to or from the airport for compensation. A baggage-handler is not allowed to pick up any passengers along the route.

Board. The "Board" is the taxi licensing board.

Business Day. A business day shall mean a working day and during working hours of the City.

Business License. A business license is a license issued pursuant to this chapter granting permission to persons who meet the requirements to operate a taxicab or contract vehicle business upon the streets of the City or at the Airport.

Calendar Day. A calendar day shall mean all days in a month, including weekends and holidays.

Call or demand. Call or demand means transportation arrangements made indiscriminately and instantaneously with a request for service which includes, but is not limited to, picking up and discharging passengers at random or who hail the vehicle from the street, picking up and discharging passengers at a public taxi stand, or is dispatched to pick up passengers who call for a taxicab. No other vehicle for hire serving passengers, other than a taxicab, may be operated on call or demand. Call or demand does not apply to requests made for transportation by services operating only on preapproved routes or courtesy vehicles as defined in this chapter.

Cell Phone. A cell phone shall mean any device, other than a two-way radio, which performs interactive communication by transmitting and receiving data or voice communication. This shall not include global positioning devices.

Chief. Chief shall mean the chief of police of the Burlington Police Department or his/her designee.

City. City shall mean the municipal corporation of the City of Burlington, Vermont.

Commission. Commission shall mean the board of airport commissioners or its designee.

Contract vehicle. A contract vehicle is a passenger vehicle transporting no more than 14 passengers for hire by prearrangement or on a contractual basis only, other than a taxicab. Contract vehicle shall include limousines, so-called jitneys, car services and other such vehicles transporting passengers for hire, except those which an employer uses to transport employees or those which are used primarily to transport elderly, special needs and handicapped persons for whom special transportation programs are designed and funded by state, federal, or local authority. Contract vehicles shall not have a roof light.

Contract vehicle business license. A contract vehicle business license is a license issued pursuant to this chapter granting permission to persons who meet the requirements to operate a contract vehicle business upon the streets of the City or at the Airport.

Contract vehicle driver's license. A contract vehicle driver's license is an identification card and license granting permission to operate a contract vehicle upon the streets of the City or at the Airport.

Courtesy vehicle. Courtesy Vehicle shall mean a motor vehicle which carries persons between the airport and off-airport businesses, such as valet parking lots, hotels, motels, and rental car companies, for which the passenger pays no direct charge. This does not include taxicabs or contract vehicles employed by a hotel to transport customers between the airport and these other locations.

Driver. A driver is a person licensed to drive a taxicab or a contract vehicle in the City of Burlington or at the Airport. When the term is used alone it refers to both taxicab drivers and contract vehicle drivers.

For hire. For hire shall mean a transaction whereby there is compensation paid to the driver or his or her employer by a passenger or the passenger's agent for the transport of the passenger. Compensation shall mean any form of payment, donation or gratuity. Vehicles for hire that only accept gratuities, tips, etc, are considered to be providing "for-hire" transportation services.

Greater Burlington Area. Greater Burlington Area shall include the City of Burlington, City of South Burlington, and the Towns of Winooski, Colchester, Essex, Essex Junction, Williston, and Shelburne.

Ground transportation permit. Ground transportation permit shall mean a permit issued to a courtesy vehicle or baggage handler, as defined in this chapter, granting permission to pick up or drop off any passengers, packages or baggage at the airport.

Ground transportation services. Ground transportation services shall mean the operation of a taxicab, contract vehicle, courtesy vehicle, or baggage-handler at the airport.

Hands-free device. A "hands-free device" is any electronic device able to make wireless telephone calls; send or receive text messages; allow its user to speak on the telephone hands-free or operate a device by voice command; allow two-way communications between different people or parties or any combination of the above.

Licensee. A licensee shall mean the holder of a license granted pursuant to this chapter.

Limousine. Limousine shall mean a full-sized, four door sedan or stretched vehicle for hire, not equipped with a taximeter and hired only by prior reservation for an extended engagement or special purpose.

Mailing address. The mailing address is the address designated by a licensee or permittee for the mailing of all notices, correspondence, and summons from the Taxi Licensing Board or Taxi Administration Office.

Manifest Record. A manifest is a daily record, prepared by the driver, of all trips made by the taxicab contract vehicle, showing time and place of origin and destination of each trip and the amount of fare.

Operate. Operate shall mean driving a vehicle for hire from, to, or through the City of Burlington or at the Airport or causing or allowing another person to do the same. Operate shall also mean stopping or parking a vehicle for hire within the limits of the City or the at the Airport.

Out of service order. Out of service order shall mean an order issued by the Taxi Licensing Board which requires the business licensee to surrender the taxicab or contract vehicle registration and inspection permit and decal to the Taxi Administration Office when it is determined that a taxicab or contract vehicle does not meet the requirements of this chapter.

Passenger. A passenger is any individual picked up or dropped off by a courtesy vehicle or any individual who has hired or attempted to hire a taxicab or contract vehicle for travel to a destination.

Permittee. A permittee shall mean the holder of a permit granted pursuant to this chapter.

Person with a Disability. A person with a disability is an individual with a physical or mental impairment or incapacity, including a person who uses a wheelchair, crutches, three-wheeled motorized scooter, other mobility aid, or a service animal, but who can transfer from such a mobility aid to a taxicab or contract vehicle with or without reasonable assistance.

Prearrangement. Prearrangement shall mean a request for transportation in advance of boarding from a specified location. Such request must have been made by contacting the taxicab or contract vehicle service before the vehicle is dispatched to render transportation services or any other service ancillary to that transportation, such as loading luggage.

Rate card. A rate card is a card issued by the Taxi Licensing Board through the Taxi Administration Office for a taxicab which displays the taxicab's license number, rates of fare and such other data as the Board may prescribe.

Revocation. Revocation shall mean the permanent recall of a license or permit issued under this chapter.

Roof light. Roof light shall mean exterior light affixed to the roof of a taxicab that is covered with a translucent fixture marked with the word "Taxi," "Taxicab," "Cab," or "Company name" and which is to be operated between sunset and sunrise.

Service Animal. A service animal is a guide dog, signal dog or any other animal trained specifically to work or to perform tasks for an individual with a disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items.

Suspension. Suspension shall mean the temporary recall of a license or permit issued under this chapter for a specified period of time.

Tampering. Tampering shall mean to remove or damage the taximeter seal and includes any change to the taximeter which results in a fare that differs from the dares authorized by this chapter.

Taxicab. A taxicab is a motor vehicle with a roof light that is designed to carry no more than (14) passengers for hire, on call or demand, only at lawful rates of fare recorded and indicated on a taximeter, or rates of fare otherwise authorized by this chapter. The destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof. No vehicle for hire, other than a taxicab, may be operated on call or demand.

Taxicab business. Taxicab business shall mean any entity operating taxicabs other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.

Taxicab business license. A taxicab business license is a license issued by the Board granting permission to persons who meet the requirements to operate a taxicab business upon the streets of the City or at the Airport.

Taxicab driver. Taxicab driver shall mean any person operating taxicabs as a driver for any taxicab company regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.

Taxicab driver's license. A taxicab driver's license is a license issued by the Board granting permission to persons who meet the requirements to drive a taxicab as defined in this chapter upon the streets of the City or Airport.

Taximeter. A taximeter is an instrument or device approved by the Board by which the charge to a passenger of a taxicab is automatically calculated and on which such charge is plainly indicated.

Waiting time. Waiting time shall mean the time that a taxicab waits for a passenger before the trip commences. Waiting time shall be charged at the rate as set out in Division 8, Schedule II, except that no charge shall be made when waiting time does not exceed five (5) minutes.

Vehicle for hire. A vehicle for hire shall refer to any licensed or permitted vehicle under this chapter.

Division 2. Scope of Authority

Sec. 30-18 Applicability

The provisions of this chapter shall apply to all vehicles for hire, vehicle for hire drivers and vehicle for hire businesses, whether or not they are legally and validly permitted, operating in the City of Burlington (City) and at the Burlington International Airport (Airport). It is not a defense to any regulatory action (including penalties and fines) to assert that the City cannot act because the driver, business or vehicle does not possess a valid license or permit as required by this chapter.

Sec. 30-19 Enforcement of Chapter

This chapter shall be enforced by the Taxi Licensing Board, the Taxi Administration Office, the Burlington Police Department, any Airport Ground Transportation Personnel and any other law enforcement office assigned by the city.

Sec. 30-20 City Held Harmless

In accepting any license or permit under this chapter, the licensee or permittee shall agree to indemnify and hold the City, its agents, servants, or employees harmless from any and all claims, demands, damages, causes of actions, and costs, including all costs of litigation, costs of any kind including attorney's fees, based on the enforcement of this chapter or arising out of the operation or use of a taxicab or other vehicle for hire licensed under this chapter.

Sec. 30-21 Taxi Licensing Board, Appeals Panel, and Taxi Administration Office.

The City Council hereby creates a Taxi Licensing Board (Board) which shall be composed of three (3) City Council License Committee members; two (2) Airport Commissioners; and the Chief of Police or his/her designee. Three members shall constitute a quorum.

(a) *Authority.* The Taxi Licensing Board shall diligently see that all rules, regulations and ordinances related to taxicabs and other vehicles for hire operating in the City of Burlington and the Burlington International Airport (Airport) are enforced; oversee the administration by the Taxi Administration Office of the Vehicle for Hire Ordinance and related rules and regulations and shall promulgate such rules and regulations as are necessary to ensure the efficient administration of this chapter. The Board shall have authority to affirm or reverse a denial decision made by the Taxi Administration Office thereby granting or denying a license or permit, with or without conditions, under this chapter. The Board shall also have the authority to fine a licensee or permittee and suspend or revoke a license or permit for any violation of this chapter.

(1) *Out of Service Order.* The Taxi Licensing Board shall have the authority to order removed from operation on the streets of the City or Airport any vehicle regulated by this chapter which is deemed unfit for public patronage and to prohibit operation of such vehicle until all deficiencies have been corrected.

(2) *Removal and Impoundment.* The Taxi Licensing Board shall have authority to order removal and impoundment by its designee of any unauthorized vehicle, including one ordered out of service pursuant to subsection (a)(1) of this section, or any vehicle being used by any unlicensed or suspended driver after previous written warning has been given the owner and driver of the vehicle. The vehicle shall be removed and impounded in accordance with the terms of section 30-57 of this chapter.

(b) *Appeals Panel.* The Taxi Licensing Board shall appoint for each hearing three of its members to sit for denial, suspension or revocation hearings pursuant to this chapter. There shall be one member from the License Committee, one member from the Airport Commission and one member from the Police Department. Two members shall constitute a quorum. After a hearing, the Appeals Panel shall submit a written decision as to whether the license and/or permit is denied, suspended, revoked or further conditioned. The Appeals Panel, in addition to any suspension, revocation or added conditions may impose

a fine of up to $500 for each violation found. This fine may be in addition to any fines imposed for a municipal violation. Any decision by the Appeals Panel under this chapter shall be final.

(c) *Taxi* Administration *Office.* The Taxi Administration Office shall, under the direction and supervision of the Taxi Licensing Board, examine the applicant, his or her references, criminal and motor vehicle record, and other background information, and thereafter grant or deny the license or permit pursuant to the requirements of this chapter.

Sec. 30-22. Taxi Services Advisory Committee

The Airport Commission shall appoint a Taxicab Services Advisory Committee (Committee).

(a) The Committee shall:

(1) advise the Taxi Licensing Board in carrying out duties and functions under this chapter; and

(2) evaluate the performance of the vehicle for hire industry in serving members of the general public as well as populations with special transportation needs, such as senior citizens and people with disabilities.

(3) educate the public and vehicle for hire industry about the Vehicle for Hire Ordinance through educational campaigns and public meetings.

(4) under the supervision of the Taxi Licensing Board or its designee, the Committee may conduct scheduled and unscheduled readiness inspections of taxicabs operating within the City of Burlington and the Airport.

(b) The Committee shall consist of 4 public members and 2 vehicle for hire industry members. The Airport Commission shall have a goal of appointing members so that at least:

(1) one public member represents senior citizens, and another public member represents people with disabilities;

(2) one of the two vehicle for hire industry representatives represent management and the other represent the drivers; and

(c) The chairperson of the Taxi Licensing Board or its designee shall serve as an ex-officio non-voting member.

(d) A Committee member serves for a term of two (2) years, or until a successor is confirmed, whichever is later. The appointment shall begin on July 1 and end on June 30 two years thereafter. However, during the initial appointment of this Committee, two (2) of the public members and one (1) of the vehicle for hire industry members will only serve a one-year term. Thereafter, all terms will be for a two-year period. A member must not serve more than three (3) consecutive full terms. A person appointed to fill a vacancy serves for the remainder of the predecessor's term.

(e) The Committee shall annually select one (1) public member as chairperson.

(f) The Committee shall submit an Advisory Report to the Taxi Licensing Board at least every six (6) months, a copy of which will be forwarded to the City Council by the Taxi Licensing Board. The Taxi Licensing Board will consider all recommendations, however, is not bound to adopt any recommendation.

(g) The Committee may only report violations to the Taxi Licensing Board or Taxi Administration Office. The Committee has no disciplinary authority.

Sec. 30-23. Vehicle Impoundment Hearing Officer

The airport commission chairperson shall appoint one of the commission's members as the vehicle impoundment hearing officer to hear vehicle impoundment cases pursuant to section 30-57 of this chapter. After a hearing, the hearing officer shall issue a written order of release or an order for further impoundment of the vehicle stating the grounds for the order.

Sec. 30-24 Reserved.

Division 3. Taxicab and Contract Vehicle Driver's Licenses

Subsection A. Taxicab Driver's License or Passenger Vehicle for Hire Driver's License

Sec. 30-25. License Required.

(a) *Taxicab.* It shall be unlawful for a person to operate a taxicab within the limits of the City or upon the grounds of the Airport unless he or she has a valid taxicab driver's license as required by this chapter.

(b) *Contract Vehicle Driver's License.* It shall be unlawful for a person to operate a contract vehicle as defined in this chapter within the limits of the City or upon the grounds of the Airport unless he or she has a contract vehicle driver's license as required by this chapter.

Sec. 30-26. Application.

Any person desiring a taxicab driver's license or contract vehicle driver's license required by this chapter shall pay an annual non-refundable application fee as set out in Division 8, Schedule I and submit an application in writing to the Taxi Administration Office, on a form to be furnished by the Taxi Administration Office. Such application shall be made under oath and shall state the date of birth of the applicant; current contact information, including home and work address, and home, work and cell telephone numbers, and e-mail address if available; whether the applicant has any physical or mental infirmities that would impair ability to drive safely or assist passengers; whether the applicant has at least two years of driving experience; whether any driver's license held by the applicant is presently revoked or has been revoked during the three (3) years preceding the application and the reasons for such revocation or revocations; whether the applicant has any pending criminal charges or unresolved driving offenses in any jurisdiction; and whether the applicant has been convicted of a violation of any federal, state or local laws or laws of any other jurisdiction and if so, when and of what offense, and the sentence of the court. Each question and answer and each statement made in the application, or any proof required, shall be deemed material. The applicant must agree to abide by the terms and conditions of this chapter and any airport regulations and to comply with all federal, state or local laws.

Sec. 30-27. Minimum Requirements for Driver's License.

The Taxi Administration Office shall only issue a taxicab driver's license or contract vehicle driver's license to operate within the City and/or on the grounds of the Airport where the applicant:

1. is 18 years of age; and
2. holds a valid Vermont Operator's License, including any necessary endorsement, and has no less than two (2) years of driving experience; and
3. has no disqualifying offense pursuant to section 30-29 of this chapter; and
4. has no pending unresolved criminal charges or unresolved driving offenses which if convicted would result in the applicant being denied a license due to a disqualifying offense; and
5. does not owe the City any legally assessed, taxes, fees or other liabilities; and
6. is not delinquent or in arrears on child support obligations in any jurisdiction;
7. has fully and accurately completed the application and the application is accompanied by the required fees.
8. has provided a letter from a business licensee licensed under this chapter stating that the applicant is currently employed by the business licensee or that the applicant has an offer of employment conditioned upon issuance of a taxicab or contract vehicle driver's license.

Section 30-28. Criminal & Motor Vehicle Background Checks Required

Annually, every applicant for a taxicab driver's license or contract vehicle driver's license is subject to a complete criminal & motor vehicle background check. The background check shall include a criminal record check through the Vermont Criminal Information Center (VCIC); a motor vehicle record check through the Vermont Department of Motor Vehicles (DMV); and a national background check through the City's approved contractor. The fees for these background checks are separate fees and are the responsibility of the applicant or his or her employer per private contract. The fees for the VCIC and DMV checks are determined by the State of Vermont. The fee for the national background check will be as set out in Division 8.

Sec. 30-29. Investigation and Disqualifying Offenses

(a) By making application for a taxicab driver's license or contract vehicle driver's license, the applicant shall be deemed to have authorized an investigation by the City as to his or her background and qualifications, including his or her full criminal and motor vehicle records in this and any other jurisdiction. Upon the filing of the application required by this chapter, the Taxi Administration Office shall cause a criminal and motor vehicle background investigation to be completed on the applicant. If the results of the investigation reveal that any one or more of the following disqualifying offenses apply to the applicant in any jurisdiction, the applicant shall be denied a license, subject to a right of appeal pursuant to section 30-33(e). In addition to these disqualifying offenses, the director/manager of the Taxi Administration Office, subject to the aforementioned right of appeal, may deny a license application if he or she determines that the issuance of a license to the applicant would jeopardize the health, safety or general welfare of the public.

1) Conviction for a sexual offense or requirement to register as a sex offender in any jurisdiction;

2) Conviction for operating a motor vehicle while under the influence of either drugs or alcohol; conviction for refusing to submit to an evidentiary test;

3) Conviction for any violent felony or any felony conviction for any crime involving the sale or possession of controlled substances or narcotics; misdemeanor offense involving threats, physical violence or the use of a weapon;

4) Conviction in the past ten years of any non-violent felony; misdemeanor offense involving theft or crimes of fraud or dishonesty; or any misdemeanor conviction involving possession of controlled substances or narcotics;

5) Conviction in the last five years of reckless driving; negligent operation or leaving the scene of an accident; 3 or more moving motor vehicle violations within the past 3 years in any jurisdiction; a driver's license suspension for noncriminal violations within the last 3 years;

6) Applicant is under the supervision of the Department of Corrections at the time of the application;

7) Applicant is subject to an active Abuse Prevention Order at the time of the application;

8) Taxi driver's license, contract vehicle driver's license; taxi business license; contract vehicle business license or any equivalent license has been revoked by the City or any other jurisdiction less than three years prior to the application;

9) Applicant is delinquent or in arrears on child support obligations in any jurisdiction;

10) Applicant suffers from a physical or mental infirmity such that said applicant is unfit for safe operation of a taxicab or contract vehicle.

11) Applicant is currently addicted to the use of drugs or intoxicating liquors; or

12) Applicant failed to completely disclose all information requested or submitted false or materially misleading statements on such application.

(b) *Obligation to Disclose.* There shall be an ongoing obligation for any person holding a taxicab driver's license or contract vehicle driver's license to disclose to the Taxi Administration Office within five (5) calendar days any (1) criminal charge or conviction, (2) motor vehicle conviction greater than two points or

motor vehicle convictions that would place the driver at five points in the last three years (3) motor vehicle suspension or revocation and/or (4) abuse prevention order issued, that occur after the application is filed or after issuance of a license. Failure to make such disclosure shall be grounds for immediate suspension of the licenses in accordance with provisions of this chapter.

Sec. 30-30. Completed Physician's Certificate Required.

(a) Before the Taxi Administration Office issues a taxicab driver's license or contract vehicle driver's license, the applicant must furnish a completed physician's certificate that shall be provided by the Taxi Administration Office which certifies that:

(1) The applicant has within the previous 6 months been given a physical examination and the applicant is not subject to any physical or mental infirmity that could render him or her unfit for safe operation of a taxicab or contract vehicle, including drug or alcohol problems; has eyesight corrected to 20/20 with glasses and is not taking any prescribed medication that could render him or her unfit for safe operation of a taxicab or contract vehicle.

(b) After the first year, each applicant must submit a completed physician's certificate containing the same information every other year, except that a new certificate shall be required where the applicant has been without a valid license for more than ninety (90) days.

(c) After issuing a taxicab driver's license or a contract vehicle driver's license, the Taxi Licensing Board may at anytime require a driver to furnish a physician's certificate, containing the same information, if the Taxi Licensing Board has reason to believe that the driver suffers a condition or is taking medication that could render him or her unfit for safe operation of a taxicab or contract vehicle.

(1) The Taxi Licensing Board may suspend or place any conditions on the license it deems necessary to protect the public safety until it has been provided with the requested physician's certificate.

(2) Failure to comply with the request shall subject such driver to an immediate suspension of the taxicab driver's license or contract vehicle driver's license in accordance with the provisions of this chapter.

(d) The driver is obligated to report any change in his or her health or medication, after the issuance of the Physician's Certificate, which could render him or her unfit for safe operation of a taxicab or contract vehicle.

Sec. 30-31. Drug Test Required.

(a) *Drug and alcohol policy.* It is the policy of the City that licensed drivers of vehicles for hire (hereinafter the "licensees") shall not be substance abusers. The abuse of alcohol or the use of illegal drugs reduces awareness and increases the potential for accidents. Substance abuse thereby increases both the risk of injury to passengers, drivers and citizens of the City and the risk of damage to public and private property

(b) As a condition of licensing, drivers shall be subject to random drug testing pursuant to an established schedule to be adopted by the Taxi Licensing Board and its implementation shall be consistent with the requirements of the Federal Motor Carrier Safety Administration (FMCSA). All licensees will be included in a random selection system. This system shall provide an equal chance for each licensee to be selected for each random test. Accordingly, a particular licensee may be selected for successive tests or may not be selected at all throughout the year. Random tests shall be reasonably spread throughout the year. Annually, a minimum of 50% of drivers will be tested for drugs. Upon notification of selection, a licensee shall complete the test at a time and place specified by the Taxi Administration Office. The test shall be conducted by a State-licensed lab or hospital.

(c) A Driver will not be required to submit to a random drug test if his or her employer provides the Taxi Administration Office with a copy of a drug test performed not more than 30 days prior to the request, and certified to be true and accurate by the employer.

(d) *Substances for which to be tested.* Any applicant or licensee who tests positive for the presence of any of the drugs set forth herein shall be deemed unsuitable for licensing or continued licensing. Any licensee who tests positive for any of the substances set forth herein shall be deemed unsuitable for continued licensure and shall be subject to the provisions of subsection (g). The substances that will be tested for are: amphetamines, cocaine, marijuana and opiates. The City reserves the right to expand the scope of substances for which it will test at any time.

(e) *Test results confidential.* Test results and rehabilitation records, if any, for applicants and licensees shall only be used to determine adherence to this chapter and in defense of any administrative or judicial action initiated by the licensee against the City. Drug testing results furnished or secured pursuant to this section shall be deemed confidential and shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration and enforcement of this section. No officer, administrator or employee of the City of Burlington shall in any manner reveal the contents of any part or portion of the contents of any drug test except as otherwise provided in this chapter or in a legal action to enforce the provisions of this section, or pursuant to a court order. However, any individual who has submitted to drug testing in compliance with this chapter is entitled to access to his or her records related to such testing upon written request as long as such is available.

(f) *Noncompliance.* The Taxi Licensing Board may immediately suspend or place any conditions on the license it deems necessary to protect the public safety until the licensee has complied with this requirement. Any conduct intended to obstruct or unreasonably delay the proper administration of a test shall be deemed a refusal to submit to the test.

(g) *Positive Drug Test Result.* A positive drug test will result in an immediate suspension of the taxi driver's license or contract vehicle driver's license, subject to a hearing scheduled pursuant to section 30-52(b). If the suspension is upheld by the Appeals Panel, the license shall be revoked on the grounds that the licensee is unfit for the safe operation of a taxicab or contract vehicle. The Licensee is not eligible to reapply for a period of 1 year, unless the Appeals Panel for good cause otherwise orders, and the licensee provides proof of proper drug treatment with a substance abuse professional and a negative drug test performed no more than 2-weeks prior to re-application.

Sec. 30-32. Reserved.

Sec. 30-33. Approvals and Denials; Appeal.

(a) *Phase One Approval.* Following the applicant's completion of the application as required by sections 30-26 and verification that the applicant meets the minimum requirements of section 30-27, the Taxi Administration Office will provide written notice to the applicant stating whether or not the applicant is being granted a phase one approval. Phase one approval means that the Taxi Administration Office has determined that the applicant meets the requirements of the sections above and may proceed with the phase two application requirements set forth in subsection (b).

(1) A decision of the Taxi Administration Office to issue a notice of phase one approval does not constitute the granting of a taxicab driver's license or contract vehicle driver's license and shall not be construed as permission to operate a taxicab or contract vehicle.

(2) A decision by the Taxi Administration Office not to issue a phase one approval to an applicant is deemed a denial of the license application, and the applicant may appeal to the Appeals Panel in accordance with subsection (e).

(b) *Phase Two Approval.* If the Taxi Administration Office issues a notice of phase one approval to an applicant, the applicant shall within thirty (30) calendar days of the issuance of the notice:

(1) Provide the Taxi Administration Office with a completed Physician's Certificate as set forth by section 30-30; and

(2) Provide any additional documentation that may be required by the Taxi Administration Office as a condition of the Phase One approval.

(c) *Costs.* Any costs necessary to comply with subsections (b)(1) and (b)(2) are the responsibility of the applicant or his or her employer per their private contract.

(d) *Withdrawal.* The failure of an applicant to timely meet the requirements of subsection (b) of this section or receive an extension is deemed a withdrawal of the application and the applicant must reapply and pay a new application fee.

(e) *Appeal.* In the event a taxicab driver's license or contract vehicle driver's license application is denied in phase one or phase two, the applicant may file a written appeal of the decision stating the grounds for the appeal to the Appeals Panel within 15 days of the postmark on the notice of denial. If the applicant does not file a timely appeal, the denial shall be final and effective on the sixteenth day following the postmark on the notice of denial. If the applicant fails to file a timely appeal or the denial is upheld on appeal, the applicant is not eligible to reapply for 1 year, unless the Appeals Panel for good cause otherwise orders.

(1) Upon receipt of written notice of appeal, the Taxi Administration Office shall schedule a hearing before the Appeals Panel to take place within thirty (30) calendar days.

(2) Within fifteen (15) business days after the close of the hearing or later if agreed to by the parties or the Appeals Panels orders otherwise for good cause, the Appeals Panel shall in writing affirm or reverse the action of the Taxi Administration Office by granting or denying the license.

Sec. 30-34 License Fee; Responsibilities of Licensee; Expiration of License.

(a) *Fee; photograph required.* Once an application for a taxicab driver's license or contract vehicle driver's license has been approved, the Taxi Administration Office shall issue a license to the applicant on payment of a non-refundable license fee as set out in Division 8, Schedule I. The applicant shall also have his or her photograph taken prior to issuance of the license.

(b) *Effective date.* A taxicab driver's license or contract vehicle driver's license is valid for one year, from 12 a.m. on August 1 or from the date of its issuance through 11:59 p.m. on July 31. There shall be no proration of the fee.

(c) *License non-transferable.* A taxicab driver's license or contract vehicle driver's license may not be sold, assigned or transferred to any other person. It is unlawful to lend or borrow a taxicab driver's license or contract vehicle driver's license, issued pursuant to this chapter.

(d) *Displayed.* The taxicab driver's license or contract vehicle driver's license shall be prominently displayed within the vehicle at all times in a place to be determined by the Taxi Administration Office. The license must be produced upon the request of any passenger. The licensees must also comply with any request to see his or her license from a member of the Taxi Licensing Board, Taxi Administration Office, Taxi Service Advisory Committee, airport ground transportation personnel or the police.

(e) *Loss of license; duplicates.* In case of the loss of a taxicab driver's license or contract vehicle driver's license, the licensee shall immediately notify the Taxi Administration Office in writing, and the Taxi Administration Office shall furnish such licensee with a duplicate license on receipt of the amount as set out in Division 8, Schedule I. The licensee may petition the Board to reduce the license replacement fee to no less than ten dollars ($10.00) where there is evidence that the license was stolen or destroyed as a result of an act of nature.

(f) *Update of information.* An applicant or licensee has a continuing obligation to notify the Taxi Administration Office in writing, within five (5) calendar days of the change in any of the information required by this chapter.

Sec. 30-35 Reserved.

Subsection B. Business Licenses and Permits

Section 30-36. Licenses and Permits Required

(a) *Business license.* Each taxicab business or contract vehicle business-whether an individual, corporation, d/b/a, limited liability corporation, partnership, or other legal entity, shall obtain a taxicab business license or contract vehicle business license from the Taxi Administration Office prior to the operation of any taxicab or contract vehicle in the City or at the airport. For a taxicab business license or contract vehicle business license there shall be an annual application fee as set out in Division 8, Schedule I. This requirement shall be waived for single vehicle owner-operators.

(1) Taxicab registration & inspection permit. Only those vehicles listed on the taxicab business license & identified by a numbered taxi registration & inspection permit issued by the Taxi Administration Office may be used by the licensee as a taxicab pursuant to this chapter. There shall be a fee per vehicle to be listed under the taxicab business license as set out in Division 8, Schedule I. Vehicles can only be listed on one license.

(2) Contract vehicle registration & inspection permit. Only those vehicles listed on the contract vehicle business license & identified by a numbered contract vehicle registration & inspection permit issued by the Taxi Administration Office may be used by the licensee as a contract vehicle pursuant to this chapter. There shall be a fee per vehicle to be listed under the contract vehicle business license as set out in Division 8, Schedule I. Vehicles can only be listed on one license.

Sec. 30-37. Application

Every taxicab business license or contract vehicle business license application shall contain the following:

1) Any person, business or corporation desiring a taxicab business license or contract vehicle business license as required by this chapter shall submit an application that shall be signed and verified by each of the principal officers of the applicant if the applicant is a corporation, and in all other cases by all persons having actual ownership interests in the application. If the applicant is a corporation, the application shall state the name and address and the date and place of birth of each of the principal officers of the applicant and shall identify every person having management authority in the business of the applicant. In all other cases, the application shall state the name and address and the date and place of birth of every person having an actual ownership interest or and shall identify every person having management authority in the business of the applicant. Each question and answer and each statement made in the application, or any proof required, shall be deemed material.

2) A physical address for the applicant and an official mailing address where all notices may be sent. Notices sent to the official address will be deemed received by all principals.

3) The make, type, year, serial number and license plate number of each vehicle to be covered under the license for which a taxicab registration & inspection permit or contract vehicle registration & inspection permit is sought and the address of the garage or other terminal at which the vehicle will be stationed when not in service shall be stated.

4) A detailed description of the graphic design, insignia, wording and coloring which will appear upon the vehicle, if permitted, shall be included.

5) The names, home addresses, telephone numbers, taxicab driver's license or contract vehicle driver's license number and Vermont operator's license number of all of its drivers and must update this information upon any change with the Taxi Administration Office within five (5) calendar days.

Sec. 30-38. Minimum Requirements-Taxi Business License or Contract Vehicle License.

a) The Taxi Administration Office shall not issue a taxicab business license or contract vehicle business license if the applicant is:

1) under 18 years of age;

2) a corporation which is not licensed to do business in the state;

3) a person other than the registered owner of the vehicle(s);

4) a corporation, and any principal officer thereof or any person having actual ownership interest therein has a disqualifying offense under section 30-29;

5) an applicant, other than a corporation, and any principal officer, or any person having an actual ownership interest therein has a disqualifying offense under section 30-29;

6) an applicant whose Taxicab Business License or its equivalent has been revoked in any jurisdiction within the three (3) years preceding the application; and

7) an applicant which has not provided a certificate of insurance certifying that all vehicles covered or to be covered under the business license are insured as herein provided.

8) In the case of a contract vehicle business license, the applicant has not provided the rates of fare for the transportation of passengers.

Sec. 30-39. Criminal & Motor Vehicle Background Check Required

Annually, every taxicab business license or contract vehicle business license applicant and/or each of the principal officers of the applicant is subject to a complete criminal & motor vehicle background check. The background check shall include a criminal record check through the Vermont Criminal Information Center (VCIC); a motor vehicle record check through the Vermont Department of Motor Vehicles (DMV); and a national background check through the City's approved contractor. The fees for these background checks are separate fees and are the responsibility of the applicant or his or her employer per private contract. The fee for the VCIC and DMV checks are determined by the State of Vermont. The fee for the national background check will be as set out in Division 8, Schedule I.

Sec. 30-40. Investigation and Disqualifying Offenses

(a) *Investigation.* By making application for a taxicab business license or contract vehicle business license, the person, business or corporation shall be deemed to have authorized an investigation of his or her background and qualifications, including a criminal background check in this and any other jurisdiction by the City as to each of the principal officers and every person having actual ownership interests in the application. Upon the filing of the application required by this chapter, the Taxi Administration Office shall cause a complete background criminal and motor vehicle background investigation to be completed on the applicant. If the results of the investigation reveal that any one or more of the disqualifying offenses enumerated under section 30-29 apply to the applicant in any jurisdiction, the applicant shall be denied a license, subject to a right of appeal. In addition to these disqualifying offenses, the director of the Taxi Administration Office, subject to the aforementioned right of appeal, may deny a license application if he or she determines that the issuance of a taxi business license to the applicant would jeopardize the health, safety or general welfare of the public.

(b) *Obligation to Disclose.* There shall be an ongoing obligation for any person holding a taxicab business license or contract vehicle business license to disclose to the Taxi Administration Office any (1) criminal charge or conviction and/or (2) abuse prevention order of any principal office or person having actual ownership interests in the business, that occur after the application is filed or after issuance of a license within five (5) days of said conviction or order. Failure to make such disclosure shall be grounds for immediate suspension of the taxi business license or contract vehicle business license.

Sec. 30-41. Approvals and Denials; Appeal

(a) *Phase One Approval.* Following the applicant's completion of the application as required by section 30-37 and verification that the applicant meets the minimum requirements of section 30-38, the Taxi Administration Office will provide written notice to the applicant stating whether or not the applicant is being granted a phase one approval. Phase one approval means that the Taxi Administration Office has determined that the applicant has successfully completed or meets the requirements of the sections above and may proceed with phase two application requirements set forth in subsection (b).

(1) A decision of the Taxi Administration Office to issue a notice of phase one approval does not constitute the granting of a taxicab business license or contract vehicle business license and shall not be construed as permission to operate a taxicab business in the City of Burlington or at the Airport.

(2) A decision by the Taxi Administration Office not to issue a phase one approval to an applicant is deemed a denial of the license application, and the applicant may appeal to the Appeals Panel in accordance with subsection (e).

(b) *Phase Two Approval.* If the Taxi Administration Office issues a notice of approval to an applicant within thirty (30) calendar days of the issuance of the notice, the applicant shall:

(1) meet all the requirements set out in section 30-42 for each vehicle to be covered under the taxicab business license; and

(2) provide all documentation required under section 30-42 or provide any additional documentation that may be required by the Taxi Administration Office as a condition of the Phase One approval.

(c) *Costs.* Any costs necessary to comply with subsections (b)(1) and (b)(2) are the responsibility of the applicant.

(d) *Withdrawal.* The failure of an applicant to timely meet the requirements of subsection (b) of this section or receive an extension is deemed a withdrawal of the application and the applicant must reapply and pay a new application fee.

(e) *Appeal.* In the event a taxicab business license or contract vehicle business application is denied in phase one or phase two, the applicant may file a written appeal of the decision stating the grounds for the appeal to the Appeals Panel within 15 calendar days of the postmark on the notice of denial. If the applicant does not file a timely appeal, the denial shall be final and effective on the sixteenth day following the postmark on the notice of decision. If the applicant fails to file a timely appeal or the denial is upheld on appeal, the applicant is not eligible to reapply for 1 year, unless the Appeals Panel for good cause otherwise orders.

(1) Upon receipt of written notice of appeal, the Taxi Administration Office shall schedule a hearing before the Appeals Panel to take place within thirty (30) calendar days.

(2) Within 15 business days after the close of the hearing or later if agreed to by the parties or the Appeals Panels orders otherwise for good cause, the Appeals Panel shall, in writing, affirm or reverse the action of the Taxi Administration Office.

Sec. 30-41A Permit Fee; Responsibilities of Licensee; Expiration of License.

(a) *Fee.* Once an application for a taxicab business license or contract vehicle business license has been approved, the Taxi Administration Office shall issue a license to the applicant. Upon issuance of the taxi business license or contract vehicle business license and on payment of taxi registration & inspection permit fee or contract vehicle registration & inspection permit fee as set out in Division 8, Schedule I, the Taxi Administration Office shall issue a of taxi registration & inspection permit or contract vehicle registration & inspection permit to the licensee for vehicles to be registered under the corresponding business license.

(b) *Displayed.* The taxicab business licensee and contract vehicle business licensee shall produce his or her license upon request. The taxi registration & inspection permit shall be prominently displayed in or on the taxicab at all times and in place as may be determined by an established rule by the Taxi Licensing Board. The contract vehicle registration and inspection permit shall be produced upon request of any passenger, member of the Taxi Licensing Board, Taxi Administration Office, Taxi Services Advisory Committee, airport ground transportation personnel or the police.

(c) *License or permit non-transferable.* The taxicab business license or contract vehicle business license issued hereunder is not transferable. The taxicab registration & inspection permit or contract vehicle registration & inspection permit may be transferable to another vehicle of the business licensee if such transfer has been specifically approved by the Taxi Licensing Board. Approval may be granted and a newly numbered permit issued only if the following criteria are met:

(1) The licensee surrenders the taxi registration & inspection permit or contract vehicle registration & inspection permit to the Taxi Administration Office;

(2) The licensee pays a transfer fee to the Taxi Administration Office as set out in Division 8, Schedule I; and

(3) The new vehicle meets all licensing prerequisites of this chapter.

(d) *Effective date.* Taxicab business licenses; contract vehicle business license; taxicab registration & inspection permit and contract vehicle registration & inspection permits are valid for one year, from 12 a.m. on August 1 or from the date of its issuance through 11:59 p.m. on July 31. There will be no proration of fees.

(e) *Loss of license or permit; duplicates.* In case of the loss or destruction of a taxicab business license or contract vehicle business license, the licensee shall immediately notify the Taxi Administration Office in writing, and the Taxi Administration Office shall furnish such licensee with a duplicate license on receipt of a replacement fee as set out in Division 8, Schedule I. In case of the loss or destruction of a taxicab registration & inspection permit or contract vehicle registration & inspection permit, the licensee shall forthwith notify the Taxi Administration Office in writing, and the Taxi Administration Office shall furnish such licensee with a newly numbered permit on receipt of a replacement fee as set out in Division 8, Schedule I. The previous numbered permit shall be removed from the permit list for that year.

(f) *Update of information.* The taxicab business licensee or contract vehicle business licensee shall have a continuing obligation to notify the Taxi Administration Office of any change in any of the information required by this chapter, in writing, within five (5) calendar days of the change as well as comply with the following requirements:

(1) Must maintain and furnish a current list of drivers upon request of the Taxi Administration Office.

(2) Must provide to the Taxi Administration Office written notification that a licensed driver is no longer in his or her employ upon the resignation or discharge for any reason of such driver.

(3) Must promptly report to the Taxi Administration Office the transfer of ownership of any vehicle covered under licensee and concurrently turn in to the Taxi Administration Office the taxicab registration and inspection permit of such vehicle.

(4) Must promptly report any complaints received that would be a violation of this chapter to the Taxi Administration Office.

(5) Must promptly report within 48-hours to the Taxi Administration Office knowledge that a driver employed by the licensee has had his or her Vermont operator's license suspended or revoked. Likewise, the Taxi Administration Office shall notify the business license of any notification that a driver has his or her Vermont operator's license suspended or revoked.

(g) *Scope of Responsibility.* The taxicab business licensee or contract vehicle business licensee is responsible for the conduct of his or her agents, servants and employees.

(h) *Driver defined.* For purposes of this section, a driver shall include, but is not limited to, independent contractors and lessees. The City may therefore seek payment of fines from the driver or the taxi business licensee.

Sec. 30-42. Equipment Readiness Inspection of Vehicles

(a) *General requirements.* A numbered taxi registration & inspection permit and decal shall be issued by the Taxi Administration Office upon payment of the required fee for each vehicle to be listed under the taxicab business license or contract vehicle business license as set out in Division 8, Schedule I and a determination that the following requirements have been met:

(1) *Documentation of state inspection.* The applicant must present documentation that the motor vehicle(s) to be listed under the taxi business license or contract vehicle business license pursuant to this chapter have been inspected by an official state inspector of motor vehicles and that it is in every respect mechanically safe and in proper condition, and that the equipment of such vehicle complies with all requirements of the state laws.

(2) *Equipment specifications.* The vehicle's equipment and condition must conform to the following specifications:

(a) *Doors.* The bodies of all taxicabs or contract vehicles, with the exception of vans, shall have at least four (4) doors, two (2) of which lead into the passenger compartment, so constructed and operable that they may both be opened from the inside and outside.

(b) *Heater and air conditioner.* All taxicabs or contract vehicles shall be equipped with an adequate and functioning heater of a type which will not permit the exhaust gases to enter the interior of the vehicle and shall also have an adequate and functioning air conditioner.

(c) *Rearview mirrors.* All taxicabs or contract vehicles shall be equipped with an adjustable rearview and two side-view mirrors. The rearview mirror shall be in the driver's compartment so installed as to enable the driver to obtain a clear view toward the rear and the two side view mirrors shall be installed on the exterior of the vehicle, one on the driver's side and one on the passenger side, to enable the driver to obtain a clear view of the highway directly to the side and rear.

(d) *Speedometer and Odometer.* All taxicabs or contract vehicles shall be equipped with a standard speedometer and odometer properly installed and maintained in good working order.

(e) *Windshield wipers.* All taxicabs or contract vehicles shall be equipped with dual windshield wipers properly installed and maintained in good working order.

(f) *Informational display.* Every taxicab and contract vehicle shall be equipped to permit the proper display of the official rate card, the driver's license, taxi permits and all other required information. The aforementioned card, licenses, and information shall be displayed as deemed appropriate by the Taxi Administration Office and shall be provided to any passenger upon request for inspection.

(g) *Upholstery and floor mats.* There shall be no visible tears in the carpeting or upholstery of the taxicab or contract vehicle. When the original upholstery and floor mats are worn out or otherwise unsatisfactory for public use, they shall be replaced.

(h) *Interior light.* All taxicabs or contract vehicles shall be equipped with an interior light of sufficient candle power to illuminate the interior of such vehicle after sundown.

(i) *Mudguards, fenders, running boards and exterior surfaces.* Mudguards, fenders and running boards of each taxicab or contract vehicle must be rigid, tightly fastened and free from dents or damage.

(j) *Vehicle Exterior.* The exterior of all taxicabs or contract vehicles must be well painted, free from dents or damage and the finish in good condition. Glass in windows, doors, headlights and tail lights shall be in good condition with regard to air bubbles, cracks and fractures.

(k) Vehicle Interior. The interior of all taxicabs or contract vehicles shall be free of loose trash, clutter or large amounts of dirt or sand in the driver, passenger or trunk compartments, whether or not the motor vehicle is currently occupied by a passenger. There shall be no offensive odors or smoke. The passenger compartment shall be free of personal items belonging to the driver or others who are not passengers. The vehicle shall have seatbelts that are visible and in working order for every passenger seat.

(l) *Roof light.* Every taxicab shall be equipped with an exterior light affixed to the roof thereof which shall be covered with a translucent fixture marked with the word "Taxi," "Taxicab," "Cab" or the "company name." in legible lettering and which shall be operated during the period between sunset and sunrise.

(m) *Identification.* Every company, partnership, association or individual operating one or more taxicabs or contract vehicles under a taxi business license or contract vehicle business license shall have the full name of the owner of each taxicab for which the license has been issued, or the registered tradename, permanently affixed on each side of the vehicle in letters at least three and one-half (3 1/2) inches. Only taxicabs shall have the word "Taxi," "Cab" or a combination thereof affixed conspicuously upon the vehicle. Limousines shall not be required to meet the requirements of this subsection.

(n) *Mechanically fit.* All vehicles licensed or permitted under this chapter must be kept mechanically fit, with brakes, lights and signaling devices in good working order.

(o) *Oil leaks.* All vehicles licensed or permitted under this chapter shall be free of significant engine or other fluid leaks so that vehicles shall not cause the accumulation of oil, antifreeze, gas or other fluids upon public property.

(p) *Tires.* Wheels and tires of every vehicle licensed or permitted under this chapter shall at all times comply with motor vehicle inspection requirements as promulgated by the commissioner of motor vehicles. All taxicabs or contract vehicles shall have no missing hubcaps and the vehicles must be equipped with an operational jack and inflated spare tire.

(q) *Map.* Every taxicab shall contain an up-to-date street guide of the Greater Burlington Area.

(3) *Taximeters.* Every taxicab operating at the airport and effective July 1, 2012 every taxicab operating within the City and at the Airport shall have affixed thereto a taximeter of a size, design and make that automatically provides receipts and approved by the Taxi Licensing Board and no person shall use or

permit to be used or driven for hire a taxicab to which is attached a taximeter that has not been duly approved, calibrated, sealed and inspected.

(a) *Exception*: Those taxicabs that have taximeters as of July 1, 2011 will have until July 1, 2013 to upgrade to a meter that automatically provides receipts. Until July 1, 2013, drivers must continue to provide a written receipt upon request of the passenger.

(b) *Inspection.* No taxicab shall operate within the City or at the Airport until the taximeter attached thereto and required pursuant to this section shall have been inspected and found accurate by the Taxi Administration Office or its designee. Taximeters are subject to inspection at any time by any law enforcement officer and/or ground transportation personnel at the airport.

(c) *Accuracy.* No person operating a taxicab within the City or at the Airport shall use or permit to be used upon any taxicab a taximeter which shall be in such condition as to be over three (3) percent incorrect on the mileage and five (5) percent incorrect on the clocked time to the prejudice of the passenger.

(d) *Taximeter visibility.* The face of every taximeter shall be visible at all times and lighted if necessary so as to render the meter and fare dials discernable to, and capable of being read by, any passenger or occupant in the taxicab.

(e) *Taximeter use.* The taximeter shall be kept in the recording position at all times when the taxicab is occupied. At all other times it shall be kept in a non-recording vacant position.

(4) *Insurance.* The applicant for a taxi registration & inspection permit or contract vehicle registration & inspection permit must present a certificate of insurance for liability coverage with a responsible company authorized to do business in the State of Vermont for the payment of a minimum amount as follows:

(a) For damages for and incident to death or injuries to persons:

(1) Each licensed taxicab or contract vehicle operating within the City or at the Airport shall be continuously insured under a commercial motor vehicle liability policy of insurance, issued by an insurance carrier duly authorized to do business in the State of Vermont, which provides minimum coverage in the amount of $500,000.

(2) Every taxicab business licensee or contract vehicle business licensee shall provide to the Taxi Administration Office a certificate of insurance designating the vehicle or vehicles covered and certifying that insurance in the amounts specified herein is in effect. Said certificate of insurance shall specify as an additional insured the City of Burlington, Vermont and that 30 days cancellation notice is required. The certificate shall also include in the description box or on a separate schedule the make, model and vehicle identification number for the vehicles covered under said policy.

(3) No taxicab business license or contact vehicle business license shall be issued until a certificate of insurance certifying that all vehicles covered under said license is insured, as herein required, is provided to the Taxi Licensing Office.

(4) The failure of any licensee or permittee to maintain valid insurance for all vehicles owned, operated and licensed or permitted pursuant to this chapter shall be grounds for automatic revocation of the Taxi Business License. A revocation of the taxi business license or contact vehicle business license is also a revocation of all taxicab registration and inspection permits or contract vehicle registration & inspection permit unless ordered otherwise by the Taxi Licensing Board.

(5) Every taxicab business licensee and contract vehicle business license shall maintain in each vehicle a current copy of the applicable insurance policy or certificate.

Sec. 30-43. Notice to public

(a) *Passenger Bill of Rights.* Every taxicab shall conspicuously display in the passenger compartment the following customer bill of rights to notify the public of the requirements of all taxicab vehicles:

(1) The driver of each taxicab shall conduct himself or herself in a courteous and professional manner at all times;

(2) Rate of fare schedule is to be posted in the taxicab;

(3) Taxicab driver's license, with picture i.d. shall be prominently displayed within the vehicle;

(4) Smoking is not permitted in any taxicab or contract vehicle at any time;

(5) No person other than the driver is permitted to remain in the taxicab at any time without the express consent of all passengers;

(6) The vehicle shall have a clean passenger seat area and trunk;

(7) The driver must know and obey all traffic laws and take the most direct or efficient route to your destination;

(8) You may direct the destination and route used;

(9) There shall be adequate heat and air conditioning in every vehicle.

(b) *Passenger Responsibilities.* Every taxicab shall conspicuously display in the passenger compartment the following to notify the public of its responsibilities when a taxicab is engaged:

(1) You must pay the fare as recorded on the taximeter. Failure to do so is a criminal offense;

(2) You must behave in a civil and orderly manner. The driver may ask you to leave the taxi or contact the police if you are disorderly;

(3) You must not intentionally cause damage to the taxi;

(4) You may not smoke in the taxicab; and

(5) You may not drink alcohol or possess an open container of alcohol in the taxicab.

(c) Effective July 1, 2011, the Taxi Administration Office shall supply appropriate signage for each taxicab that shall include the following:

ANY VIOLATION OF THESE RULES AND REGULATIONS BY THE TAXICAB DRIVER OR OWNER MAY BE REPORTED BY CALLING 802-863-2874, EMAILING taxicomplaints@ci.burlington.vt.us OR BY COMPLETING A COMPLAINT FORM THAT IS AVAILABLE AT WWW.CI.BURLINGTON.VT.US under "T" AND SENDING or FAXING IT TO:

TAXI ADMINISTRATION OFFICE
Burlington International Airport
1200 Airport Drive, Box 1
South Burlington, VT 05403
Telephone: 802-863-2874
Fax: 802-863-7947

Sec. 30-44. Random Inspections.

(a) In addition to the required annual state inspection and motor vehicle readiness inspection, all taxicabs and contract vehicles shall submit to random vehicle readiness inspections by the Taxi Administration Office or its designee to ensure that the vehicle meets the requirements of section 30-42 and is fit for public use.

(b) A taxicab business licensee or contract vehicle business licensee whose vehicle(s) is found to be unfit for public patronage may have his or her license suspended or revoked pursuant to this chapter. Any vehicle which is found to be unsafe or in any way unsuitable for public patronage shall be immediately ordered out of service and before being placed again in service shall be inspected by the Taxi Administration Office or its designee.

Section 30-45 Reserved

Section 30-46 Reserved

Division 4. Fares

Sec. 30-47. Fares Set.

(a) *City proper* The authorized taxicab fares shall be as set by the city council with an automatic annual increase, or decrease, equivalent to one hundred (100) percent of the annual change in the National Intra-City Transportation Rates compiled by the U.S. Bureau of Labor Statistics for the twelve-month period ending May 31 of each year. The schedule of rates, as annually amended, shall be available at the Taxi Administration Office or clerk's office at all times for public information.

(1) Notwithstanding the above, if the average gasoline prices in the City of Burlington increase by twenty-five (25) percent within any six-month period, the city council by a resolution approved by two-thirds (2/3) of its entire membership, may temporarily suspend the automatic annual increase for a period up to the date for the next annual increase and set taxicab rates in an amount determined by the city council.

(b) *Airport.* The authorized taxicab fares shall be as set by the board of airport commissioners and approved by the city council with an automatic annual increase, or decrease, equivalent to one hundred (100) percent of the annual change in the National Intra-City Transportation Rates compiled by the U.S. Bureau of Labor Statistics for the twelve-month period ending May 31 of each year.

Sec. 30-48. Taxicab fares for service.

The fares for taxicabs shall be as follows:

(a) *Within the Greater Burlington Area.* Except as otherwise provided herein, the fare for taxicab service which begins from the City of Burlington and that ends in Greater Burlington Area shall be as set out and as they may be amended from time to time in Division 8, Schedule II of this chapter. The fare shall be computed and displayed by the taximeter. Except for authorized surcharges or additional fees authorized herein, no fare charged shall be in amount other than that displayed by the taximeter.

(b) *Multiple passengers* . Where the passengers consent, there shall be one (1) fare, divided equally, in the case of two (2) or more passengers who engage the taxicab for a trip between the same two (2) points. An authorized additional fare as set out in division 8, schedule II, may be charged for each additional passenger up to twelve (12) over the age of ten (10) years old. In all other cases, the fare shall be divided equally between the number of passengers at each stop as the meter continues to run, plus the authorized additional fare and any gratuity. By way of example:

> If there are 3 passengers going to different locations, a $12 fare at the first stop would require each passenger to pay $4 of the fare. At the second stop, if the meter now has increased by an additional 6$, the 2 remaining passengers would pay an additional $3 each. And finally at the last stop if the meter has increased by an additional $3, the final passenger would pay an additional $3. Thus, the first passenger would have paid a total fare of $4 plus any gratuity, the second passenger would have paid a total fare of $7 plus the authorized additional fee and any gratuity and the third passenger would have paid a total fare of $10 plus the authorized additional fee and any gratuity.

(c) *Outside Greater Burlington Area.* If a trip begins or ends within the city and the other point of destination is outside of the Greater Burlington Area, the passenger and driver shall agree upon the fare before the trip commences; otherwise the passenger shall be under no obligation to pay any fare.

(d) *Airport Fares.* Except as otherwise provided herein, the fare for taxicab service which begins from the Burlington International Airport and that ends in the Greater Burlington Area shall be as set out and as they may be amended from time to time in Division 8, Schedule II of this chapter.

(e) *Waiting time.* A charge for waiting time may be made only for time waited at the express direction of the passenger after the trip has begun and for time waited before the trip has begun, commencing five (5) minutes after the time at which the taxicab actually calls. The charge for such waiting time shall be as set out in Division 8, Schedule II.

(f) *Sight-seeing.* Taxicabs may be employed for purposes of sight-seeing only according to a published route and rate which shall be provided to the passenger prior to commencement of the trip.

(g) *Bags and parcels.* No extra charge shall be made for personal items such as purses, briefcases or laptop cases or for two (2) pieces of each passenger's luggage, packages or parcels, but pieces in excess of two (2) may be charged at a per bag rate as set out in division 8, schedule III. However, no additional charge shall be made for a passengers being picked up from a grocery store with grocery bags or parcels.

(h) *Children.* Any child age ten (10) or under who is accompanied by his or her parent, guardian or other adult person shall be carried at no charge.

(h) *Passengers required to pay fee.* It shall be unlawful for any person who rides as a passenger in a taxicab not to pay the requested fare immediately upon leaving the taxicab.

(i) *Gratuity.* This clause shall not prohibit a driver from accepting a tip or gratuity however, the driver is prohibited from soliciting or insisting on tips, gratuities or any other charges in addition to those authorized herein.

Sec. 30-49. Fares to be posted in taxicab.

(a) *Rate and information card.* The Taxi Administration Office shall issue, together with each taxicab business license, a rate and information card for each vehicle licensed hereunder, which sets forth the rates in clear, legible letters. The rate and information card shall be illuminated and placed as prescribed by the Taxi Administration Office but shall be visible at all times when the taxicab is in service.

Sec. 30-50. Contract Vehicle Fares for Service

Rates of fares to be charged for the conveyance of passengers shall be filed with the Taxi Licensing Board by each contract vehicle business licensee prior to the granting of license. Such schedule of fares shall be subject to the approval of the Taxi Licensing Board. Upon approval and upon granting of the business license, the rates of fare shall be set forth on a plate or placard by the licensee entitled "rates of fare." Such placard shall be in such form satisfactory to the Taxi Administration and shall be displayed as prescribed by the Taxi Administration Office.

Sec. 30-51. Reserved

Division 5. Enforcement

Sec. 30-52. Suspensions and Revocations.

(a) *Automatic Revocation*

(1) *State of Vermont Operator's License.* No taxicab driver's license or contract vehicle driver's license shall be effective during any period in which the Vermont operator's license of the licensee is suspended or revoked. Said taxicab driver's license or contract vehicle driver's license shall be automatically revoked as of the date of the suspension or revocation of the Vermont operator's license. Upon proof from the Vermont department of motor vehicles that the licensee's Vermont operator's license has been suspended or revoked, the Taxi Administration Office shall provide a written notice of revocation to the taxicab driver and the taxi business licensee or the contract vehicle driver and the contract vehicle business licensee. The Licensee may file a written appeal of the revocation stating the grounds for the appeal to the Appeals Panel within fifteen (15) days of the postmark on the notice of revocation. The licensee may reapply for a taxicab driver's license or contract vehicle driver's license and pay the application and license fees upon proof that he or she has a valid State of Vermont operator's license. Within sixty (60) calendar days of the notice of revocation, the Licensee may petition the Taxi Licensing Board to waive the reapplication and license fee if there is proof from the Department of Motor Vehicles that the suspension or revocation was in error.

(2) *Liability Insurance.* No license or permit issued under this chapter shall be effective during any period in which the licensee or permittee operates or permits the operation of any vehicle for hire regulated under this chapter without such vehicle for hire being at the time covered by a liability insurance policy. Said license or permit shall be automatically revoked as of the date of the lapse or cancellation of the liability insurance. Upon proof from the insurance carrier of the licensee or permittee that the liability insurance has lapsed or been cancelled, the Taxi Administration Office shall provide a written notice of revocation to the licensee and/or permittee. A revocation of the business license is also a revocation of all permits covered under the business license. The revocation of a queue permit or ground transportation permit under this section will result in a revocation of all permits held by the permittee, unless written proof is provided that the permitted vehicles are insured under a different policy. The licensee or permittee may file a written appeal of the revocation stating the grounds for the appeal to the Appeals Panel within fifteen (15) days of the postmark on the notice of revocation. Upon proof that he or she has valid liability insurance, the business licensee may reapply and pay the required fee for a business license and the fees for all permits covered under that license. In the case of revoked queue permits or ground transportation permits, the permittee may reapply and pay the required fees for new queue permits or ground transportation permits. If the licensee or permittee can prove that there was no lapse in coverage and/or there was no lapse in coverage due to a change in carrier, no fees are required for replacement licenses or permits. However, the licensee or permittee may be subject to fines or suspension for failing to notify the Taxi Administration Office of the change as required by this chapter.

(b) *Immediate Suspension (Prior to Hearing).* A taxicab driver's license, contract vehicle driver's license, taxicab business license or contract vehicle business license shall be immediately suspended if the:

(1) licensee(s) is arrested or convicted of or has offenses enumerated in section 30-29 (a) (1), (2) (3), (10) or (12).

(2) licensee has a drug test , if required, as set forth in section 30-31.

(3) licensee(s) is charged with or convicted of any other crime and fails to report the charge or conviction as required by this chapter.

(4) licensee fails to provide a physician's certificate pursuant to an order of the Taxi Licensing Board under section 30-30 (c).

(5) Taxi Licensing Board receives credible information that the licensee(s) is or has engaged in conduct that poses an immediate and serious risk to the public's peace and safety. The licensee shall be notified in writing immediately that the license has been suspended, effective upon the actual notice to the licensee or three days after the postmark on the notice of suspension; whichever is sooner, setting forth the reasons and advising the licensee of a date for hearing before the Appeals Panel.

(c) *Suspension or Revocation (After Hearing).* Any license or permit may be suspended or revoked for violations of this chapter. The licensee or permittee shall be notified in writing of the alleged violations, the intention to suspend or revoke the license(s) or permit(s) and the date for hearing before the Appeals Panel. However, if Taxi Licensing Board receives credible information that the licensee or permittee is or has engaged in conduct that poses an immediate and serious risk to the public's peace and safety, the Board may suspend a license, pending hearing, effective upon the giving of actual notice to the license/permittee or three days after the postmark on the notice of suspension; whichever is sooner, setting forth the reasons and advising the licensee or permittee of a date for hearing before the Appeals Panel.

(d) *Obligation of taxicab driver or contract vehicle driver.* It is the obligation of the licensed taxicab driver or contract vehicle driver to notify the Taxi Administration Office of any suspension or revocation of his or her Vermont operator's license and to return his or her taxicab driver's license or contract vehicle driver's license to the Taxi Administration Office within five (5) days of such suspension or revocation. It is a violation of this ordinance for a licensee to continue to use or drive any taxicab or contact vehicle after suspension of his or her Vermont operator's license and the driver may be denied a taxicab driver's license or contract vehicle driver's license for up to 2 years from the date of the finding by the Appeals Panel of such violation by a licensee, in addition to any other penalty which may apply under this chapter. A copy of this paragraph shall be printed on the city's driver's license application.

(e) *Obligation of Licensees or Permittees.* It is a violation of this ordinance for a taxicab business licensee, contract vehicle business licensee, queue and/or ground transportation permittee to knowingly employ a driver who does not hold a valid Vermont operator's license, taxicab driver's license or contract vehicle driver's license required hereunder and/or to permit him or her to use or operate a vehicle licensed or permitted hereunder, and such licensee or permittee shall be subject to a suspension or revocation including all taxicab registration & inspection permits, contract vehicle registration & inspection permits, queue permits and ground transportation permits issued to that licensee or permittee for the duration of each current license or permit and up to one (1) year thereafter for each license or permit, unless the Appeals Panel orders otherwise.

(f) *Repeated Violations.* A taxicab driver's license or contract vehicle driver's license may be additionally suspended where there have been 3 or more violations resulting in fines or suspensions of the driver within a 24-month period. A taxicab driver's license or contract vehicle driver's license may be revoked where there have been 3 or more violations resulting in fines or suspensions of the driver within a 12-month period. A taxicab business license, contract vehicle business license, queue permit or ground transportation permit may be suspended or revoked where there have been repeated violations by the drivers employed by the licensee or permittee which resulted in three (3) or more fines or suspensions of the same

driver, or seven (7) or more fines or suspensions of employees of the same entity holding a taxi business license, contract vehicle business license, queue permit or ground transportation permit hereunder, within a 24-month period, establishing a pattern of conduct by the holder of the license or permit. A suspension shall include all permits issued to that taxicab business licensee, contract vehicle business licensee, queue permit or ground transportation permit for the duration of the license and up to one (1) year thereafter, unless the Appeals Panel orders otherwise.

(1) *Employee defined.* Any person permitted or suffered to drive any taxicab or contract vehicle licensed or permitted under this chapter shall be considered to be "employed" by said licensee or permittee for purposes of this paragraph, however that person is designated, including but not limited to, an employee, independent contractor, and lessee.

Sec. 30-53. Grounds for fines, suspension or revocation.

In addition to the grounds set forth elsewhere in this chapter, licenses or permits issued under this chapter shall be subject to fines, conditions, suspension or revocation on the following grounds as determined by the Taxi Licensing Board. This list is intended to be a synopsis of many of the regulations herein but it is not all-inclusive.

(a) **Category A: Passenger Relations**

(1) Discourteous behavior, use of profane language to passengers, ground transportation personnel, police, or other drivers; use or attempt to use physical force against passenger;

(2) Abuse or physical force upon passengers, pedestrians, ground transportation personnel, or other drivers;

(3) Solicited or caused another person to solicit taxicab passenger in any manner whatsoever;

(4) Failed to provide passenger with requested information;

(5) Failed to receive or discharge a passenger safely at the curb or as close thereto as possible; or in accordance with Airport Rules;

(6) Knowingly conveyed passenger to a place other than passenger specified;

(7) Refused to transport an orderly person upon request when taxicab was not occupied;

(8) Refused to transport a passenger because of the passenger's race, ethnicity, religion, gender, gender identity, age, sexual preference, disability, need to transport a service animal or other discriminatory basis; or;

(9) Transported others or permitting others in taxicab without consent of passengers:

(10) Took longer route to destination than was necessary without passenger consent;

(11) Failed to return or charged fee for the return of a mislaid item of a passenger;

(12) Refused to give receipt;

(13) Refused to assist passenger with luggage;

(14) A pattern of reasonably verifiable complaints of substandard customer service;

(b) Category B: Driver Conduct and Responsibilities

(1) Failed to use taxi stand; used bus stop as taxi stand;

(2) Driver not with vehicle;

(3) Sleeping, Lounging or lying in taxicab;

(4) Permitted more passengers than seating capacity for vehicle;

(5) Improperly Dressed or Poor Hygiene;

(6) Smoked or permitted another to smoke in the taxicab;

(7) Engaged in a loud argument, fight or other disturbance;

(8) Driver is found with, whether viewing or not, or permitted pornography in a licensed taxicab or for-hire vehicle.

(9) Cell phone violation;

(10) Refused to comply with request of taxi licensing authorities or police;

(11) Arrested or convicted of or has offenses enumerated in section 30-29;

(12) Failed to notify the Taxi Administration Office of arrest or conviction;

(13) Alcohol/Controlled Substance violations;

(14) Driver fails to pass the drug test as set forth in section 30-31;

(15) Repeated violations by driver or by drivers of taxicab business licensee, queue permittee or ground transportation permittee;

(C) Category C: Fees

(1) Overcharged passenger(s);

(2) Charged for Child under 10 except where authorized by State or Federal contract;

(3) Charged more than permitted for extra luggage;

(D) Category D: Vehicle Condition and Requirements

(1) A pattern of failing inspection during the previous 12 months

(2) Taxicab and for-hire vehicle not clean and in good repair;

(3) Failure to possess or display required items in taxicab;

(4) No or Incomplete trip record;

(5) Removed from a taxicab or obscured, or caused to be obscured, the rate notice and permits required;

(6) Operated taxicab without taxicab vehicle registration & inspection permit or operated a for-hire vehicle without a ground transportation permit;

(7) Taxicab Missing Equipment

(8) Operated without or with an inoperable taximeter; Tampering with Taximeter;

(9) Failed to use snow tires or other all-weather radials when snow or ice on street.

(E) Category E: Traffic and Safety

(1) Engaged in conduct that posed serious risk to public safety.

(2) Obstructed roadways;

(3) Engaged in conduct that interfered or threatened the operational efficiency or TSA imposed security of the Airport;

(4) Engaged in improper or unsafe operation of taxicab or vehicle for hire.

(F) Category F: Licensing

(1) Licensee has unpaid fines for violations of this chapter;

(2) Employed or permitted unlicensed person to drive taxicab or other vehicle for hire;

(3) operated taxicab or for-hire vehicle after suspension or revocation;

(4) Unauthorized transfer of taxicab registration & inspection permit to another vehicle;

(5) Failed to notify the Taxi Administration Office of any change of any material fact set forth in the application for such license;

(6) Operating without Liability Insurance;

(7) Suspension or revocation of the privilege to operate a motor vehicle in the State of Vermont;

(8) Forged Taxi Driver's License, Taxi Registration & Inspection Permit, Taxi Business License or any other license or permit issued under this chapter;

(9) Operating a taxi or other vehicle for hire that is subject to an "out-of-service" order.

Sec. 30-54. Penalties.

(a) The penalties set forth herein and in the City Charter and Code shall be in addition to and not instead of any other penalties imposed by any other applicable law, code, rule or regulation of any other governmental or regulatory agency or entity.

(1) *Conditions.* The Taxi Licensing Board shall place on a license or permit any condition deemed necessary to ensure adherence to the requirements herein and to ensure the public's safety and welfare.

(2) *Fine.* In addition to, or instead of suspension of a license, the Appeals Panel may impose a fine of up to five hundred dollars ($500.00) for each violation of this chapter.

(3) *Suspensions.* In addition to any fines or conditions, the Appeals Panel may impose a suspension of up to ninety (90) days for violations of this chapter. A suspension that begins in one license or permit period may extend into the following license or permit period if so ordered by the Appeals Panel.

(4) *Revocation.* Where there is sufficient evidence that continued licensing or permitting would undermine the vehicle for hire industry and/or would pose serious risk to public safety and welfare, the Appeals Panel may revoke a license or permit as set herein. The licensee or permittee may not apply for a license or permit for a minimum period of three (3) years from the date of revocation.

(5) *Violations cumulative.* If a person or business has more than one license or permit under this chapter, violations under any of those licenses or permits shall be cumulative for purposes of determining the number of violations by such person and/or business.

(b) The City may take any appropriate action to enjoin or abate any violation of this chapter. In addition to the penalty set forth herein, the City shall recover its costs of suit including reasonable attorney's fees and costs associated with enjoining or abating said violation(s).

Sec. 30-55. Municipal Violations.

Any licensee or permittee who violates any of the provisions of this chapter in addition to any fine or suspension issued against his or her license(s) or permit(s) may be subject to a civil fine of not more than five hundred dollars ($500). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be as follows:

First Offense: The waiver penalty shall be one hundred dollars ($100).

Second Offense: The waiver penalty shall be three hundred dollars ($300).

Third Offense: There shall be no waiver penalty for a third offense. A third and any subsequent offense within a twelve-month (12) month period may be deemed a criminal offense and shall be punishable by a fine of five hundred dollars ($500.00) and upon conviction shall be grounds for revocation of any licenses held under this chapter.

On any single day, each time an offense occurs is a separate offense. Each day a violation of a continuing nature continues shall be a separate offense. In the case of operating without a valid taxi taxicab driver's license or contract vehicle driver's license or offering taxi or contract vehicle services without a valid taxicab or contract vehicle business license, or operating without a valid ground transportation permit, each instance where taxi or contract vehicle service is offered and /or provided is a separate offense. All law enforcement officers are authorized to issue a municipal complaint for a violation of this chapter.

Sec. 30-56. Notice and opportunity for a hearing.

(a) Except as expressly provided in this chapter, no licensee or permittee may be fined or license or permit revoked or suspended without prior notice to the licensee, and after an opportunity for a hearing.

(b) Unexcused failure of a licensee to appear at the hearing shall be deemed a waiver of the rights to said hearing.

(c) At any hearing, the applicant, licensee or permittee shall be entitled to be represented by counsel, to summon witnesses on his or her own behalf and to cross-examine those witnesses who testify regarding the application or the alleged offense or violation and to present evidence. The complainant, if any, shall also be notified of the hearing and given the opportunity to be heard.

(d) The Appeals Panel may agree to settle the case prior to a final decision. After a final decision, the Appeals Panel may hear a motion for reconsideration.

(e) All violations shall be determined based upon a preponderance of evidence standard. All hearings shall be conducted with substantial fairness and strict adherence to the rules of evidence shall not be required. Hearsay evidence may be admissible.

(f) All hearings shall be held within thirty (30) calendar days of delivery to licensee of the notice unless the Appeals Panel grants a continuance for good cause.

Section 30-57. Removal and Impoundment

(a) Removal and Impoundment

The Taxi Licensing Board or police shall have authority to remove and impound any unauthorized taxicab or contract vehicle, including one being operated that has been ordered out of service pursuant to subsection 30-21(a)(1) of this chapter, or any vehicle being operated by any unlicensed or suspended driver as a taxicab or contract vehicle after previous written warning has been given the owner and driver of the vehicle. A vehicle impounded in accordance with this subsection shall be removed to a designated facility as determined by the Taxi Licensing Board and a fine of $300 shall be due from the registered owner of the vehicle.

(b) Notice of Impoundment.

Within three (3) business days of removal and impoundment, the Taxi Administration Office or its designee shall provide written notice of impoundment to the registered owner of the vehicle. The notice shall state the grounds for removal and impoundment, the identity of the vehicle and the designated secured facility to which the vehicle was or will be taken.

(c) Vehicle impoundment hearing.

(1) The registered owner of the vehicle may admit the violation and pay the fine, plus any applicable towing and storage fees or make a written request for a vehicle impoundment hearing before the vehicle impoundment hearing officer within five (5) business days of the notice of impoundment. The vehicle impoundment hearing officer shall conduct the hearing within five (5) business days of receipt of the request or as soon as practicable thereafter. All interested persons shall be given reasonable opportunity to be heard at the vehicle impoundment hearing.

(2) The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible.

(3) If, after the hearing, the vehicle impoundment hearing officer determines that the vehicle is not subject to impoundment under subsection (a), the vehicle impoundment hearing officer shall order the immediate release and return of the vehicle with no fines, towing fees or costs due to the City.

(4) If, after the hearing, the vehicle impoundment hearing officer determines that the vehicle is subject to impoundment under subsection (a), the vehicle impoundment hearing officer shall order the continued impoundment of the vehicle as provided in this section unless the registered owner admits the violation(s) and pays in full any towing and storage fees plus the fine(s).

(5) The registered owner may seek relief in any court of competent jurisdiction as provided by the laws of the State of Vermont. Except where ordered otherwise by that court, the vehicle will continue to be impounded unless the licensee posts with the Taxi Administration Office a cash bond in the amount of the maximum fine(s) owed plus any applicable towing and storage fees.

(a) Any additional costs associated with the impoundment of the vehicle, including reasonable attorney's fees, will be the responsibility of the licensee if the hearing officer's decision is upheld.

(6) If the registered owner does not obtain the vehicle by the date specified in the order of release or order for further impoundment, he or she shall be responsible for any further storage fees, and payment of such fees must be made before the release of the vehicle.

(d) Default hearing.

If the registered owner fails to appear for the vehicle impoundment hearing or does not assert an interest in the impounded vehicle a default hearing will be held. The vehicle impoundment hearing officer shall make a determination pursuant to section 30-57(c). The Taxi Administration Office will inform the licensee or permittee of the default determination by certified mail, return receipt requested. The licensee or permittee may comply with the default determination within seven (7) business days of such mailing or move to vacate such default determination. In the event that such default determination is vacated, the respondent shall be entitled to a full hearing. Such hearing shall be scheduled within ten (10) business days of the order vacating the default determination or as soon as practicable.

(e) Abandoned vehicles.

(1) If the registered owner does not assert an interest in the impounded vehicle by removing it from storage within the time periods specified in paragraph (2) of this subsection, the vehicle shall be deemed abandoned.

(2) A vehicle shall be deemed abandoned, pursuant to paragraph (1) herein, if a registered owner:

(a) Has not taken possession of the vehicle within fifteen (15) days of obtaining an order of release pursuant to section 30-57(c)(3) or (c)(4); or

(b) Has not paid the fines assessed pursuant to this chapter, if any, and towing and storage fees within fifteen (15) days of a hearing determination of continued impoundment pursuant to section 30-57(c)(4) herein, or within fifteen (15) days after notice of a default determination was mailed to the registered owner pursuant to section 30-57(d); or

(c) Has not paid the fines assessed pursuant to this chapter, if any, and towing and storage fees within fifteen (15) days of denial of a motion to vacate a default determination pursuant to Section 30-57(d).

(3) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this subsection, the Taxi Administration Office shall by certified mail, return receipt requested, notify the registered owner that the vehicle has been deemed an abandoned vehicle and that, the City of Burlington shall seek title to the vehicle from the State of Vermont pursuant 23 V.S.A. §2153.

(4) Upon receiving title to the vehicle from the State, the vehicle shall be sold. The registered owner or lienholder may claim the vehicle at any time before the sale of the vehicle by paying the towing and storage fees due and any fine(s).

Sec. 30-58 Reserved.

Division 6. General Operating Regulations

Subsection A: Passenger Relations

Sec. 30-59. Respectful Treatment of Passengers.
All licensees and permittees shall be courteous to passengers and pedestrians and may not use obscenity or vulgarity directed towards or within the hearing of passengers or pedestrians.

Sec. 30-60. Abuse and Physical Force Prohibited.
No licensee or permittee shall threaten, harass or abuse; or use or attempt to use any physical force against any passenger, pedestrian or any Taxi Licensing Board representative, ground transportation personnel or law enforcement officer while performing his or her duties and responsibilities as a driver or owner.

Sec. 30-61. Solicitation.
No licensee or permittee shall, by words, gestures or otherwise, solicit, persuade or urge or attempt to solicit, persuade or urge any person to use or hire any taxicab or other vehicle for hire.

Sec. 30-62. Driver to give certain information upon request.
Every driver in the city or at the airport, upon request to do so, shall give to any person who has been a passenger in the vehicle, or who is about to become a passenger, the taxicab driver's license or contract vehicle driver's license number, the name of the person by whom the driver is employed, and the rate per mile or published rate of fare for the trip.

Sec. 30-63. Passengers to be received and discharged at curb.
In the city proper, a taxicab or contract vehicle shall discharge and receive passengers safely at the curb or a close to the curb as possible to ensure the safety of the passenger At the airport, passengers may be picked up or discharged pursuant to airport or TSA regulations.

Sec. 30-64. Passenger to be Transported to Requested Destination
A driver shall not dismiss, discharge, or otherwise require any passenger to leave the vehicle other than at the passenger's requested destination without cause. For this purpose, "cause" means the vehicle has become disabled, or the passenger has become disorderly or has refused to pay the authorized fare. A driver who requires a passenger to leave the vehicle other than at the passenger's requested destination shall do so only at a well-lit public place, or (if the vehicle has become disabled) to another licensed vehicle, and shall immediately notify his or her affiliated company of all the details of the incident.

Sec. 30-65. Refusal to accept passengers prohibited.

A taxicab driver is required to accept as a paying fare every orderly adult person, and shall not refuse to accept as a paying fare any adult person on the basis of any disability, or on the basis of their race, ethnicity, religion, gender, gender identity, age, sexual preference or other discriminatory basis or criteria prohibited by law, or seek to ascertain the destination of a passenger before such passenger is seated in the taxicab, except as otherwise provided in subsection(a) of this section.

(a) A taxicab driver may refuse to transport an individual if:

(1) The taxicab is already occupied by a passenger;

(2) The taxicab is on its way to pick up a passenger in answer to a call for service;

(3) The taxicab is out of service for any reason; or

(4) The person clearly poses a legitimate health or safety concern; or

(5) The person has a documented history with a specified business licensee of disorderly behavior or refusing to pay the authorized fare.

(b) A taxicab driver who refuses to transport an individual pursuant to subsection (a)(4) of this section shall promptly file a report with the Taxi Administration Office and note the incident in his or her manifest record.

Sec. 30-66. Transport of animals.

(1) No driver shall charge an additional fare or fee for carrying a service dog accompanying a blind person or a hearing impaired person; or other person whose physical or medical condition requires the assistance of such animal; and no driver shall refuse or decline to carry a passenger for the reason that such person is accompanied by such an animal.

(2) Drivers may refuse to transport any other animal unless the animal is securely enclosed in a kennel case which can be reasonably accommodated by such vehicle; or the animal is otherwise reasonably secured in accordance with the size, kind and nature of such animal.

Sec. 30-67. Carrying additional passengers.

No taxicab driver shall carry any person(s) other than the passenger first employing a taxicab without the consent of such first passenger. No person shall be required to ride in or to pay for a called taxicab if the same is already occupied by another passenger without his consent. No person shall be required to ride in or to pay for a taxicab if the driver of same takes on additional passengers without his consent.

Sec. 30-68. Riders prohibited.

No person shall be allowed to ride in a taxicab or contract vehicle that is on duty, except paying passengers or a trainee with the consent of the passenger.

Sec 30-69. Most Direct Route.

A taxicab driver shall take a passenger to his or her destination by the shortest reasonable route unless the passenger requests a different route, or unless the driver proposes a faster alternative route which the passenger agrees to. The taxicab driver shall comply with all reasonable and lawful routing requests of the passenger.

Sec. 30-70. Vehicles to be checked for mislaid articles.

Every driver shall, immediately after delivering a passenger, search the vehicle for property that may have been left therein, and if any is found, the driver shall return such property to the owner thereof if known; if the owner is not known, the driver shall immediately deliver the property to the police and shall take a

receipt, but nothing herein contained shall relieve the driver of the duty under the law relating to lost property. No fee may be charged to the passenger for the return of the property.

Sec. 30-71. Loading of Luggage and Property.
Upon request of a passenger, the driver shall load or unload a passenger's luggage, wheelchair, crutches or other property in or from the vehicles interior or trunk compartment, and shall secure such compartment.

Sec. 30-72. Receipts.
At the request of the passenger, a taxicab or contract vehicle driver shall give a passenger a written receipt for fares paid. The receipt shall contain in legible type or writing the name of the driver, the name of the registered owner of the vehicle, all items for which a charge is made, the total amount paid and the date of payment. After July 1, 2012, all taxicabs required to have meters which provide receipts shall provide every passenger with a receipt. After July 1, 2013, all taxicabs shall have meters which provide receipts and the driver shall provide every passenger with a receipt.

Sec. 30-73 Reserved.

Sec. 30-74 Reserved.

Sec. 30-75 Reserved.

Subsection B: Driver Conduct and Responsibilities

Sec. 30-76. Taxi Stands.
No taxicab shall be permitted to park in the City or Airport except at such stands as may be established by the Department of Public Works or the Board of Airport Commissioners. Whenever any such stand is established, such stand may be used by taxicabs upon a rotation basis of "first come-first served." Taxicab drivers shall pull into stands, where possible, from the rear and shall advance forward as the taxicabs ahead depart. Nothing in this section shall be construed as preventing a passenger from boarding any taxicab of choice that is parked at a taxicab stand.
Only a licensed taxicab shall be stopped or parked within the marked limits of any duly designated public taxi stand.

Sec. 30-77. Use of bus stops or handicap parking spaces prohibited.
No driver shall stop his or her vehicle at any time within a bus stop or take on passengers from any such bus stop.

Sec. 30-78. Drivers must stay with vehicle.
Drivers, except when assisting a passenger, shall stay within five feet of their vehicles and shall not solicit passengers or engage in loud or boisterous conduct while waiting or at a taxi stand.

Sec. 30-79. Sleeping, lounging, or lying in vehicles for hire prohibited.
While any vehicle for hire is in service, the driver will remain awake and alert at all times. Sleeping, lounging in a reclining posture, or lying in the vehicle is prohibited.

Sec. 30-80. Restriction on number of passengers.
No driver, including drivers of courtesy vehicles, shall permit more persons to be carried in a vehicle as passengers than the rated seating capacity of the vehicle.

Sec. 30-81. Proper Dress and Hygiene Required.
(a) Drivers shall be neat and clean, both in person and clothing, and courteous while engaged in the furnishing of services pursuant to this chapter. Persons permitted to operate motor vehicles pursuant to this chapter must wear suitable attire at all times, to include the following:

(1) Pants, shorts and skirts of an appropriate length
(2) Shirts with collars must be worn;
(3) Shoes, sneakers or boots;
(4) Examples of prohibited dress: shirts too short to cover midriffs; exposed boxer shorts; sweat pants and torn or threadbare items of clothing, clothing with lewd, offensive, vulgar, suggestive or obscene pictures, emblems or writings.
(5) Proper hygiene is required.

Sec. 30-82. Smoking prohibited.
Smoking or the use of tobacco products is prohibited by the driver or the passenger in any taxicab or contract vehicle at any time, including times when there are no passengers in the permitted vehicle or when the permitted vehicle is not in operation.

Sec. 30-83. Disorderly behavior prohibited.
No driver, including drivers of courtesy vehicles and baggage handlers, shall recklessly or with intent to cause public inconvenience or annoyance:

a. Engage in fighting or in violent, tumultuous or threatening behavior; or
b. Make unreasonable noise; or
c. Use abusive or obscene language, or make obscene gestures in a public place; or
d. Obstruct vehicular or pedestrian traffic.

Sec. 30-84. Pornography prohibited.
The possession or use of pornography, in any form, is prohibited while a licensed or permitted vehicle is in service or while waiting at any taxicab stand in the City or at any vehicle for hire stand at the Airport.

Sec. 30-85. Cell phone use prohibited, Exceptions.
A driver shall not use a cellular telephone, including text messaging, while operating a taxicab or while the taxicab is occupied by a passenger, except in emergency situations, to verify a passenger's destination, or to receive a call for service and shall only be used with a hands-free device. Utilizing a cellular phone while transporting a passenger, jeopardizes public safety, the passenger's safety, and hinders the passenger's ability to communicate with the driver and other passengers.

Sec. 30-86. Compliance with Authorities
No licensee or permitted may knowingly fail or refuse to comply with any lawful order or direction of any law enforcement officer, ground transportation personnel or representative of the Taxi Licensing Board and upon demand shall exhibit his or her license, permit or manifest record for closer inspection.

Sec. 30-87. Compliance with Law.
A driver, while performing his duties and responsibilities as a driver, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny against a passenger. A licensee or permittee shall not use or permit any other person to use his vehicle for any unlawful purpose and shall report immediately to the police any use or attempt to use his or her vehicle to commit a crime or escape from the scene of a crime.

Sec. 30-88. Maximum Number of Hours of Operation.
No taxicab or contract vehicle driver may drive nor may any business licensee hereunder permit or require a driver to drive more than 12 consecutive hours within any 24-hour period.

Sec. 30-89. Child Safety Locks
A driver, while in service, shall disengage child safety locks except where a passenger consents to or requests the use of the child safety locks. A driver may lock the front doors. However, this does not give drivers the right to refuse parties of four or more persons, in which one person must occupy the front seat.

Sec. 30-90. Driving Out of-Service Vehicle Prohibited.
It shall be unlawful for any driver, licensee, or permittee to operate or permit any person to operate a vehicle that is subject to an out-of-service order.

Sec. 30-91 Reserved.

Sec. 30-92 Reserved.

Sec. 30-93 Reserved.

Sec. 30-94 Reserved.

Subsection C. Fees

Sec. 30-95. Overcharging prohibited.
It shall be unlawful for any taxicab driver or taxicab business licensee to charge fares for taxicab service of more than the prescribed rate of fare for carrying a passenger to his or her destination. Contract drivers and contract business licensees shall not charge more than the published rates for a trip. No taxicab driver or contract vehicle driver shall impose or attempt to impose any additional charge for transporting a person with a disability, a service animal accompanying a person with a disability or a wheelchair or other mobility aid. Where a person with a disability is accompanied by an attendant, a taxicab driver or contract vehicle driver shall not impose or attempt to impose any additional charge for transporting the attendant.

Sec. 30-96 Reserved.

Sec. 30-97 Reserved.

Sec. 30-98 Reserved.

Subsection D. Vehicle Condition and Requirements

Sec. 30-99. Manifest or record.
Every driver shall keep a proper and correct manifest or record showing the time and place each trip started and ended, the number of passengers carried and the amount of the fare charged. This manifest or record shall be preserved by the business licensee for a period of eighteen (18) months from the date of entry on said manifest or record card. A separate manifest or record shall be preserved for each driver for each day for such period of eighteen (18) months.

Sec. 30-100. Tampering with Taximeter Prohibited.
A taxicab driver or taxi business licensee shall not permit or tamper with, repair or attempt to repair, or connect any unauthorized device to, the taximeter or any seal, cable connection or electrical wiring thereof, or make any change in the taximeter which would affect its operation.

Sec. 30-101. Taximeter Inspection.
Any taximeter shall be subject to inspection at any time and upon discovery of any violation or any inaccuracy, the Taxi Administration Office shall notify the taxicab driver and owner of said taxicab to cease operation immediately and order the vehicle out of service. The taxicab shall be kept out of service until the taximeter is repaired, the required working condition is restored, and the taximeter is resealed.

Sec. 30-102. Age limit of taxicabs.
Every taxicab or contract vehicle operating on the streets of the City or at the Airport shall be no more than ten (10) model years older than the current calendar year, except where approved by the Taxi Licensing Board.

Sec. 30-103 Snow Tires or All Weather Radials Required.
A taxicab or contract vehicle driver or taxicab or contract vehicle business licensee shall not permit or operate a taxicab or contract vehicle when there is snow or ice on the street unless there are all weather radial tires or snow tires on all four wheels.

Sec. 30-104 Reserved.

Sec. 30-105 Reserved.

Sec. 30-106 Reserved.

Subsection E. Traffic and Safety

Sec. 30-107. Obstructing street or crossing prohibited.
No vehicle for hire driver shall stop or stand his or her vehicle in such a manner as to unnecessarily obstruct pedestrian crossings, bus stops, loading zones, driveways, intersections or other areas requiring the free and unobstructed flow of traffic.

Sec. 30-108. Safe Operation of Vehicles for Hire
(a) *General.* A vehicle for hire driver may not operate a vehicle for hire recklessly, in an unsafe manner, or in violation of any motor vehicle law or regulation.
(b) *Drugs and Alcohol.* A vehicle for hire driver may not operate a vehicle for hire while in possession of or while under the influence of alcohol, any illegal drug, any prescribed or over the counter medication that

causes drowsiness, fatigue, blurred speech or vision or other conditions which may impair the ability to drive safely. The vehicle for hire driver shall not allow any open container of alcohol in the vehicle for hire.

(c) *Obstruction of Windows*. No placard or object may be attached to, or rest against the windshield or rear window.
(d) *Accidents*. Within five (5) days of any collision in which a vehicle for hire operated under the provisions of this chapter is involved, the vehicle's permit holder shall notify the Taxi Administration Office in writing.

Sec. 30-109. Traffic Accidents.
A driver who, knowingly or having cause to know that personal injury has been caused to another person or that damage has been caused to the property of another person due to an accident involving the driver's vehicle, shall, before leaving the place where said damage or injury occurred, stop, and give to such other person, his or her name, residence address, Vermont driver's license number, taxicab driver's license number or contract vehicle driver's license number, and taxicab registration and inspection permit number or contract vehicle registration and inspection permit number, as well as the name of the insurance carrier and the insurance policy number for the vehicle.

Sec. 30-110 Reserved.

Sec. 30-111 Reserved.

Sec. 30-112 Reserved.

Subsection F. Licensing

Sec. 30-113. Driving after suspension or revocation prohibited.
It shall be unlawful for any person or to permit any person to operate a vehicle for hire with or without passengers, during any period in which his or her taxicab or contract vehicle driver's license to do so is suspended or revoked.

Sec. 30-114. Surrender of License or Permit Upon Revocation or Suspension.
A license or permit shall be surrendered to the Taxi Administration Office within 72 hours of a suspension or revocation ordered or required pursuant to this chapter.

Sec. 30-115. Altered License or Permit.
It shall be unlawful to possess, use or display a forged, altered or unauthorized license or permit authorized under this chapter.

Sec. 30-116. False Impersonation of Another
It shall be unlawful for any person to falsely impersonate another in an application pursuant to this chapter or who obtains such a license or permit pursuant to this chapter by false representation or to use a name not his or her own in an application under this chapter. Such person shall be subject to any penalties set out in this chapter and shall also be prohibited from applying for or obtaining a license or permit under this chapter for a period of five (5) years.

Sec. 30-117 Reserved.

Sec. 30-118 Reserved.

Sec. 30-119 Reserved.

Division 7. Airport Permitting & Regulation

Subsection A. Permits

Sec. 30-120. Permit Required.

(a) *Ground Transportation Permit.* It shall be unlawful for a courtesy carrier or baggage handler to pick up passengers, packages or baggage upon the grounds of the Airport, or any location controlled or owned by the Airport unless he or she has first obtained a ground transportation permit.

(b) *Queue Permit.* It shall be unlawful for a taxicab to wait in the queue to load passengers upon the grounds of the Airport or any location controlled or owned by the Airport unless he or she has first obtained a queue permit, except where: (1) a passenger specifically requested service by the vehicle, and (2) the driver informs the airport ground transportation personnel of such request, and (3) the driver pays the per-trip fee as provided herein.

Sec. 30-121. Application

(a) *Ground transportation or Queue Permit.* Every person desiring a ground transportation permit or queue permit shall submit an application supplied by the Taxi Administration Office and shall be signed and verified by an authorized agent of the principals of the applicant if the applicant is a corporation, and in all other cases by all persons having actual ownership interests in the application.

(b) *Appeal.* In the event a ground transportation or queue permit is denied, the applicant may file a written appeal of the decision stating the grounds for the appeal to the Appeals Panel within fifteen (15) calendar days of the postmark on the notice of denial. If the applicant does not file a timely appeal, the denial shall be final and effective on the sixteenth day following the postmark on the notice of decision. If the applicant fails to file a timely appeal or the denial is upheld on appeal, the applicant is not eligible to reapply for 1 year, unless the Appeals Panel for good cause otherwise orders.

(1) Upon receipt of written notice of appeal, the Taxi Administration Office shall schedule a hearing before the Appeals Panel to take place within thirty (30) calendar days.

(2) Within fifteen business (15) days after the close of the hearing or later if agreed to by the parties, the Appeals Panel shall affirm or reverse the action of the Taxi Administration Office.

Sec. 30-122. Minimum Qualifications of Applicant.

(a) *Ground transportation permit.* The Taxi Administration Office shall not issue a ground transportation permit to operate on the grounds of the Airport unless the applicant:

(1) presents documentation that the vehicle(s) is properly registered with the State of Vermont; and

(2) presents documentation that the vehicle(s) to be permitted pursuant to this section has been inspected by an official state inspector of motor vehicles and that it is in every respect mechanically

safe and in proper condition, and that the equipment of such vehicle complies with all requirements of the state laws; and

(3) provides a certificate of insurance evidencing liability coverage as required by section 30-42(a)(4) of this chapter.

(b) *Queue Permit.* The Taxi Administration Office shall not issue a ground transportation permit to operate on the grounds of the Airport unless the applicant:

(1) has a City of Burlington taxicab business license as required pursuant to section 30-36 of this chapter and the vehicle for which the permit is being requested is registered under the taxicab business license and has a taxicab registration & inspection permit.

Sec. 30-123. Number of ground transportation permits.

The total number of ground transportation permits and queue permits shall be set by the Airport Commission from time to time after due consideration of requirements or demands of the public, existing transportation facilities, traffic and parking conditions, potential congestion of traffic and such other relevant facts as the Airport Commission shall deem advisable or necessary to take into consideration.

Sec. 30-124. Permit Fee; Responsibilities of Permittee; Expiration of License.

(a) *Fee required.* Once an application for a ground transportation or queue permit has been approved, the Taxi Administration Office shall issue a permit to the applicant for each vehicle on payment of a non-refundable permit fee per vehicle as follows:

(1) Five hundred dollars (500.00) for each taxicab queue permit;

(2) One hundred twenty-five dollars ($125.00) for each courtesy vehicle; provided, however, that for each additional courtesy vehicle owned and operated by the same permittee, the fee shall be fifty-five dollars ($50.00);

(3) Five hundred dollars ($500.00) for each baggage-handler.

(b) *Per-trip Fees.* Except as provided in subsection (b)(1) of this section, all motor vehicles providing ground transportation services and picking up passengers, packages or baggage at the airport shall pay a per trip fee as set out in division 8, schedule I.

(1) *Exemptions from Per-Trip Fees.* The following are exempt from the per-trip fee:

(a) Taxicabs having a valid queue permit unless they are picking up a passenger in response to a call or under contract. If said call requires taxicab to leave the queue, the per trip fee will be required.

(b) Courtesy vehicles;

(c) Buses;

(d) Baggage-handlers.

(c) *Display of Permits.*

(1) Upon approval of the application, the Taxi Administration Office shall issue to the applicant a ground transportation permit or queue permit containing the official permit number of the motor vehicle and such other information approved by the Taxi Licensing Board. The permit must be in the vehicle when the vehicle is being operated at the Airport.

(2) When such permit has been issued, the permittee shall also be issued a decal with a number corresponding to the card number, furnished by the airport for use during the period for which said permit has been issued. The decal shall be of a different color each year. The decal shall at all times be attached to the exterior of such vehicle in a place approved by the Taxi Administration Office, so as to be plainly visible at all times.

(3) The permit and decal shall at all times remain the property of the Taxi Administration Office and the permittee shall not acquire any property right or interest therein.

(d) *Effective date.* A ground transportation permit or queue permit is valid for one year, from 12 a.m. on August 1 or from the date of its issuance through 11:59 p.m. on July 31. There shall be no proration of the fee. Application for renewal of a ground transportation permit or queue permit shall be filed with the Taxi Administration Office at least fifteen (15) business days prior to expiration.

(e) *Transfer of Permit.* A ground transportation or queue permit shall not be transferred to a newer vehicle unless such transfer has been specifically approved by the Taxi Licensing Board or its designee and the following criteria are met:

(1) The permittee surrenders his or her current ground transportation permit or queue permit and tag of a corresponding number to the Taxi Administration Office;

(2) The permittee pays a fee as set out in Division 8, Schedule I, to the Taxi Administration Office;

(3) The new vehicle meets all permitting prerequisites of this chapter.

(h) *Loss of Permit.* In case of the loss or destruction of a ground transportation or queue permit, the permittee shall immediately notify the Taxi Administration Office in writing, and the Taxi Administration Office shall furnish such licensee with a newly numbered duplicate license on receipt of the fee as set out in Division 8, Schedule I. The previous numbered permit shall be removed from the permit list for that year.

(i) *Update of information.* The permittee shall have a continuing obligation to notify the Taxi Administration Office of any change in any of the information required by this chapter, in writing, within five (5) calendar days of the change as well as comply with the following requirements:

(1) All permittees must promptly report to the Taxi Administration Office the transfer of ownership of any vehicle permitted under this division and concurrently turn in to the Taxi Administration Office the permit of such vehicle.

Sec. 30-125 Reserved.

Subsection B. Operations

Sec. 30-126. Advertising.

No sign, notice or advertising media of any type whatsoever shall be inscribed, painted, affixed or otherwise displayed or located on any part of a motor vehicle providing ground transportation services pursuant to this chapter. Inscribing, painting or affixing the telephone number and name of the vehicle owner or registered tradename shall not be considered advertising for purposes of this section.

Sec. 30-127. Leaving vehicle.

All persons, while waiting to carry passengers in a motor vehicle licensed pursuant to this chapter shall at all times remain in his or her motor vehicle except as follows:

(a) When engaged for hire he or she may exit the vehicle and assist in loading passengers and baggage into his or her vehicle.

(b) He or she may leave his or her vehicle in cases of emergency, customer escort or when authorized by a law enforcement officer, the ground transportation administrator or the manager.

(c) Taxicab drivers having queue permits may leave their vehicles while the vehicle is parked in the queue area; provided, however, that they remain within the confines of the queue area. Taxicab drivers leaving the queue area may enter the airport terminal building only if authorized to do so by a law enforcement officer or airport ground transportation personnel.

Sec. 30-128. Parking at airport.

Taxicabs, buses, baggage-handlers, courtesy carriers and contract carriers shall be parked only in parking areas designated for such use by the Airport. Vehicles parked in the queue and stand areas shall be parked in an orderly manner so as not to prohibit the safe and unobstructed passage of any other motor vehicles at the airport.

Sec. 30-129 Reserved.

Sec. 30-130 Reserved.

Sec. 30-131 Reserved.

Subsection C. Taxicab and Contract Carrier Operations

Sec. 30-132. Order of loading.

(a) Picking up passengers for hire after or while dropping passenger(s) off and before taking a position at the rear of the proper line, commonly known as "clipping," is prohibited.

(b) Upon entry into the airport without passengers or after discharging passengers at the airport each taxicab shall proceed at once by the most direct route to the rear of the queue line or immediately leave the airport.

(c) No taxicab shall receive passengers for hire at the airport except in the order in which they are parked at the stand or queue, unless such order is overridden by passenger selection, and then only upon signal or call by ground transportation personnel. Passengers shall be loaded into vehicles only at the stand or queue.
(d) The operator of a taxicab occupying the position at the head of the line at the stand or queue shall accept only the passenger(s) by whom his or her vehicle is engaged for hire or to whom his or her vehicle is assigned.
(e) Not more than one (1) fare shall be loaded into a taxicab except within the discretion of the ground transportation personnel when he or she determines it necessary to load more than one (1) fare into a taxicab.
(f) The driver of a taxicab shall not remove his or her vehicle from its position in line without losing said position, except with the consent or permission of the ground transportation personnel.
(g) Notwithstanding any other rule or regulation, any prospective passenger may select for hire any taxicab wherever located at the stand or queue.
(h) A taxicab being dispatched to the airport on a call for a particular person shall bypass the queue and park the vehicle at the "carrier stand." The driver shall immediately report to the Ground Transportation Informational Center and provide to ground transportation personnel the passenger's name and other pertinent information if requested and must pay the per-trip fee provided for in section 30-124(b). The driver shall either (1) request that the ground transportation personnel to page the passenger and direct the passenger to the Ground Transportation Informational Center or (2) proceed directly to the passenger's arrival gate to wait for his or her passenger to arrive. In the event that the driver elects to have the passenger paged, the driver shall remain at the Ground Transportation Informational Center to wait for his or her passenger to arrive. In the event that the driver elects to proceed to the arrival gate, the driver shall carry a sign displaying the name of his or her passenger and shall remain at the gate until his or her passenger arrives. In either case, the driver shall be permitted to wait fifteen(15) minutes for his or her passenger to arrive unless ground transportation personnel approves a longer waiting time. Should the driver wish to remain at the airport, he or she must leave the immediate area and proceed to the rear of the queue line.

Division 8. Schedules

Schedule I. Fees

	Fee	Ordinance Reference
Taxicab Driver's License Application Fee includes photograph fee	$30.00	§30-26
Contract Vehicle Driver's License Application Fee includes photograph fee	$30.00	§30-26
National Background Check	$15.00	§30-31
Taxicab Driver's License Fee	$75.00	§30-25(b)
Contract Vehicle Driver's License Fee	$75.00	§30-25(b)
Taxicab Driver's License Replacement Fee	$50.00	§30-25(f)
Contract Vehicle Driver's Replacement Fee	$50.00	§30-25(f)
Taxicab Business License and Application Fee	$30. 00	§30-36(a)
Contract Vehicle Business License and Application Fee	$30. 00	§30-36(a)
Taxicab Registration and Inspection Permit-up to 15 vehicles	$100 per vehicle	§30-36(a)(1)
Over 15 vehicles (at initial licensing or renewal)	$50 per vehicle	
	$100 per	§30-36(a)(2)

	Fee	Ordinance Reference
Contract Vehicle Registration and Inspection Permit-up to 15 Over 15 vehicles (at initial licensing or renewal)	vehicle $50 per vehicle	
Taxicab Business License Replacement Fee	$20. 00	§30-36(e)
Taxicab Registration and Inspection Permit Replacement Fee	$15.00	§30-36(e)
Taxicab Queue Permit (Airport)	$500 per vehicle	§30-120(c)(1)
Ground Transportation Permit-Courtesy Vehicle First vehicle	$125	§30-120(c)(2)
Ground Transportation Permit-Courtesy Carrier Each add'l vehicle owned by same permittee	$50 per vehicle	§30-120(c)(2)
Ground Transportation Permit-Baggage Handler	$500 per vehicle	§30-120(c)(4)
Per Trip Fees (Airport)	$1	§30-120(d)
Queue Permit Transfer	$25	§30-120(g)(2)
Ground Transportation Permit Transfer	$25	§30-120(g)(2)
Queue Permit Replacement Fee	$20	§30-120(h)
Ground Transportation Permit Replacement Fee	$20	§30-120(h)
Additional Passenger Fee	$2 per add'l passenger	§30-48

Division 8. Schedules

Schedule II. Fares

A. Taxicab Fares (City Proper)

Shall be metered fares as determined by city council pursuant to the rewrite of this ordinance

B. Taxicab Fares (Airport)

Shall be metered fares as determined by the board of airport commissioners pursuant to the rewrite of this ordinance.

C. Contract Vehicle Fares

Shall be in accordance with published rates of fare filed with the Taxi Administration Office at initial licensing or renewal and as may be amended from time to time.

* Material stricken out deleted.
** Material underlined added.

lb/naf/c: Ordinances 2011/Vehicles for Hire - Chapter 30 Taxi Rewrite
3/2/11