

**CHAPTER VIII TOWN OF CAMDEN
POLICE ORDINANCE**

PART VI

**Ordinance for the Town of Camden for Licensing Taxicabs and Regulation
of the Operations of Taxicabs**

(1) This Ordinance shall be known and may be cited as an Ordinance for the Licensing and Regulation of the Operation of Taxicabs. This Ordinance is codified pursuant to Title 30, MRSA, Sec. 2151 (3) and the General Police Powers of the Town of Camden and this Ordinance has been enacted pursuant to the provisions of Title 30, MRSA, Sec. 2151 (3) (C).

(2) Purpose

The purpose of this Ordinance is to control the issuance and revocation of licenses for the operations of taxicabs in the Town of Camden and regulation of the operation of taxicabs pursuant to those licenses in the interest of protecting the welfare of the citizens of the Town of Camden and of the public.

(3) Definitions

(a) Licensee - For purposes of this Ordinance, "licensee" shall include the holder of a valid license to operate a taxicab or to permit or cause the operation of a taxicab in the Town of Camden.

(b) Taxicab - Any vehicle used or to be used for the transportation of a passenger or passengers for hire from place to place within the Town of Camden or from a place within the Town of Camden to a place outside the Town of Camden shall be deemed a "taxicab" within the meaning of this Ordinance, except a motor vehicle subject to regulation by the Public Utilities Commission of the State of Maine. The capacity of Taxicabs shall not exceed 7 passengers plus a driver shall not be considered a Taxicab.

(c) Licensing Authority - The "licensing authority" for purposes of this Ordinance shall mean the Board of Selectmen of the Town of Camden.

(4) Licensing Requirement

No person shall operate a taxicab in the Town of Camden or permit or cause the operation of a taxicab in the Town of Camden unless that person shall have first obtained from the Town of Camden a taxicab license issued by the Board of Selectmen of the Town of Camden upon a vote of the majority of the Board of Selectmen to issue such a license.

No licensee for a taxicab shall permit or cause any person to operate a taxicab unless that person conforms with the requirements for issuance of a license in accordance with Section 6 of this Ordinance and the information concerning that person set forth in Section 5(e) (f) of

this Ordinance has been supplied by that person on forms provided by the Town of Camden for that purpose.

(5) Application for License

Applications for all taxicab licenses shall be made in writing to the Board of Selectmen of the Town of Camden and the application shall contain the following information on forms provided by the Town of Camden to the applicant:

- (a) The full name of the applicant;
- (b) The full current address and addresses for the prior five years;
- (c) The date and place of birth, age, height, weight and color of eyes;
- (d) A statement granting the Chief of Police the authority to check the criminal records of any law enforcement agency for information concerning the applicant. The applicant must agree to submit to having his fingerprints taken by the licensing authority if it becomes necessary to resolve any questions as to his identity;
- (e) The answers to the following questions:
 - (1) Are you currently under indictment or information for a crime for which the maximum penalty is imprisonment for a period of one year or more than one year?
 - (2) If you have ever been convicted of a crime for which the maximum penalty was at the time, or is now, imprisonment for ne year or more, identify the nature of the crime, the date of the Judgment and the sentence imposed by the Court.
 - (3) Are you a fugitive from justice?
 - (4) Are you an unlawful user of or addicted to marijuana or any other drug?
 - (5) Have you been voluntarily or involuntarily committed to a mental institution or received psychiatric in-patient services in a hospital for a period greater than two weeks within the prior five years?
 - (6) Have you been adjudicated to be an incapacitated person pursuant to Title 18-A, Article 5, Part 3 and 4 and not had that designation removed by an order under Title 18-A, Sec. 5-307, Subsection B?
 - (7) Have you been dishonorably discharged from the military forces within the prior five years?
 - (8) Are you an illegal alien?

(9) Has your driver's license to operate a motor vehicle been suspended within the prior five years?

(10) Have you been convicted of operating a motor vehicle under the influence of intoxicating liquors or operating a motor vehicle under the influence of drugs within the prior five years?

(11) Have you been convicted of negligent or reckless driving to endanger within the prior five years?

By affixing his signature to the application, the applicant certifies that the information in the application provided by him is true and correct and that he understands that an affirmative answer to any questions in Subparagraph (e) is a consideration in a refusal to issue the license and that any false statement shall result in refusal to issue the license and other penalties as provided by law.

(f) The applicant shall submit the following information concerning all drivers that the applicant shall cause or permit to operate taxicabs in accordance with the license granted by this Ordinance:

(1) Full name;

(2) Full current address and addresses for the prior five years; and,

(3) The date and place of birth, age, height, weight and color of eyes of the driver.

(g) The applicant shall cause to be submitted an attachment to be provided by the Town together with the application form which contains the statements and questions set forth in Subparagraph (d) and (e) of this Section 5 of this Ordinance which said questions and information shall be provided by the drivers of the taxicab whom the licensee shall cause or permit to operate taxicabs under that license and this attachment shall be submitted to the Town Office directly by those drivers.

(h) The applicant and any drivers of taxicabs under the license provided by this Ordinance shall submit to being photographed and that photograph shall become a permanent part of the application submitted hereunder.

(i) The applicant shall submit together with the application a certificate of insurance or other proof of insurance showing liability insurance coverage for the applicant and any drivers of taxicabs under this license in an amount not less than \$100,000 each person and \$100,000 aggregate.

(j) The applicant and any driver of a taxicab shall show proof of a current valid Maine driver's license.

(k) The applicant shall submit the required application fees as reflected on the schedule of taxicab application fees, as adopted and

amended from time to time by the Select Board. The current schedule of fees shall be attached to this ordinance, as "Schedule A".

The requirements and information set out in this Section of the Ordinance constitute a complete application and no license shall be issued until the receipt of a complete application by the Board of Selectmen.

(6) Requirements for Issuance of a License

The following requirements must be met by the applicant for the issuance of a license for the operation of taxicabs and a license shall be issued to any applicant who meets all of these requirements:

- (a) The applicant shall be eighteen years of age or older;
- (b) The applicant shall not have been convicted within five years prior to the date of application of a crime which is punishable by a maximum term of imprisonment equal to or exceeding one year;
- (c) The applicant shall not be an unlawful user of or addicted to marijuana or any other drug;
- (d) The applicant shall not be a fugitive from justice;
- (e) The applicant shall not have been adjudicated to be incapacitated person pursuant to Title 18-A, Article 5, Parts 3 and 4 and not had that designation removed by an order under Title 18-A, Sec. 5-307, Subsection B;
- (f) The applicant shall not be an illegal alien;
- (g) The applicant shall not have been convicted of operating under the influence of intoxicating liquors or operating under the influence of drugs within five years prior to the date of application.
- (h) The applicant shall not have been convicted of negligent or reckless driving to endanger within five years prior to the date of the application.
- (i) The applicant shall have and maintain at all times a current valid Maine driver's license.
- (j) The applicant shall maintain at all times liability insurance coverage for the applicant and any drivers of taxicabs under this license in an amount not less than \$100,000 each person and \$100,000 aggregate.
- (k) The applicant has not been convicted of a crime of theft, deception or negotiating a worthless instrument within the last ten years.
- (l) The applicant has not been convicted of a crime of gross sexual assault/misconduct/contact, murder, manslaughter, kidnapping, unlawful restraint, assault, aggravated assault,

criminal threatening, terrorizing, stalking, reckless conduct, visual sexual aggression, criminal violation of a protection from abuse Order, criminal violation of a protection from harassment Order, unlawful sexual aggression, or unlawful sexual contact/touching, within twenty years of the date of application.

(m) The applicant shall permit or cause the operation of taxicabs only by drivers who at all times meet and comply with the requirements set forth in Section 6.

(7) Issuance of First License

Upon receipt of a complete license application, the Selectmen shall issue the license to the applicant only in the event that the applicant meets all of the requirements set forth in Section 6 of this Ordinance. In the event that the applicant does not meet the requirements of this Ordinance for issuance of a license, the Selectmen shall issue a determination in writing based upon the evidence submitted to the Selectmen by the applicant in connection with the application and all evidence available to the Selectmen based upon inquiry by the municipal officers or the Chief of Police of the Town of Camden of evidence recorded by a government entity.

A license issued under this Ordinance shall be valid for a period of one (1) year from the date of issuance of the license.

Each license issued shall contain the name, address, and photograph of the applicant. Each license issued shall contain the name, address and photograph of each driver of a taxi who shall be permitted or caused to operate a taxicab under the license by the applicant.

The licensing authority shall issue a license or deny, and reply in writing as to the reasons for any denial of a license, within thirty (30) days of the date of receipt of a complete application for a license.

(8) Renewal of License

At the expiration of a first license to operate taxicabs in accordance with this Ordinance, a licensee may apply annually for a renewal of that license by submitting a certification to the licensing authority that the information contained in the first application for a license has not changed; that that information is true and correct as of the date of renewal of the license; or a statement in writing of any changes or corrections in the information presented in the original application for a license as of the date of renewal.

In the event that the applicant continues to conform with all of the standards in Section 6 of this Ordinance at the time of renewal, then the Selectmen shall renew the license for an additional period of one (1) year. In the event that the applicant does not meet the requirements of this Ordinance for issuance of a license as of the date of renewal, then the Selectmen shall issue a determination in writing based upon evidence of the type set forth in Section 7. The licensing authority upon denial of any renewal of a license shall reply in writing as to the reasons for that denial within thirty (30) days of the date of receipt of an application for renewal.

(9) Revocation or Suspension of License

The licensing authority may, after a hearing and notice to the applicant, suspend or revoke any license for a taxicab which has been issued under this Ordinance on the grounds that there has been a material misstatement made on the application, or that the applicant has violated the requirements of this Ordinance, or that the applicant has become ineligible to make an application under this Ordinance.

To the extent required by law, and in particular Title 1, MRSA, Sec. 401 through Sec. 410, any hearing pursuant to this Section of the Ordinance shall be public. To the extent that any hearing pursuant to the Ordinance involves information that is made confidential by law, the hearing or portion of the hearing involving confidential information shall not be made public unless the applicant agrees to authorize the release of that information or a public discussion of that information.

No person, otherwise qualified, who has had a license revoked pursuant to the provisions of this Section is eligible for reapplication until the expiration of thirty (30) days from the date of revocation.

In the event that the licensing authority suspends or revokes a license pursuant to this Section, the licensing authority shall within seven (7) days of the date of hearing issue a written statement specifying the grounds for revocation of the license or suspension of the license. With regard to the suspension of the license, the specific time period of the suspension shall be stated in the written statement of suspension.

(10) Display of License

Every licensee shall have a license displayed in all vehicles operated as taxicabs under the terms of this license and shall display this license on demand to any law enforcement officer.

(11) Taxicab Operators

A licensee shall not cause or permit any person to operate a taxicab under the applicant's license in the event that that person does not meet the requirements contained in this Ordinance or in the event that the applicant has not provided the information concerning that person to the licensing authority as required in this Ordinance.

(12) Confidentiality

To the extent required by law, and in particular Title 1, MRSA, Sec. 401 to 410 and Title 16, MRSA, Sec. 611 through 622, all applications, refusals and supporting documentation received pursuant to the application section of this Ordinance are confidential and may not be made available for public inspection or copying. The individual may

waive this confidentiality by written notice to the issuing authority. All proceedings relating to the granting, denial or revocation of permits are not public proceedings to the extent that those proceedings are not public by law, unless otherwise requested by the applicant.

(13) Record of License

The licensing authority shall make a permanent record of each license for a taxicab in a suitable book or file kept for that purpose. The record shall include the date of issuance, the name, age, sex and street address of the licensee, and shall be available for public inspection.

(14) Conspicuous Identification

Every taxicab owner thus licensed shall have the word "taxi" and the town license number plainly painted in a conspicuous place on each and every taxicab operated by him in letters not less than two (2) inches in height.

(15) Parking Spaces

A licensee for the operation of taxicabs and any employee thereof operating or driving a taxicab shall only park a taxicab in spaces designated by the Board of Selectmen within the business district of the Town of Camden. The business district is as defined in the Zoning Ordinance of the Town of Camden.

Other taxicabs owned by a licensee shall be parked on outlying streets until they are called into service or until the stand in the business district is vacant.

(16) Penalty

Whoever violates a provision of this Ordinance by operating a taxicab without a license shall be punished by a fine of Five Hundred Dollars (\$500) for the first offense and One Thousand Dollars (\$1,000) for each subsequent offense to be recovered on complaint to a court of competent jurisdiction, to the use of the Town of Camden. Each instance of operation of a taxicab without a license shall be deemed a separate offense.

In the event of operation of a taxicab without a license, the Town shall be authorized to seek an injunction from a court of competent jurisdiction to prohibit further operation of taxicabs without a license by a person who has unlawfully operated taxicabs in the Town of Camden without a license.

(17) Separability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

(18) Effective Date

This Ordinance shall become effective immediately upon enactment by the municipal officers. (See below.)

Historical Note: Accepted August 8, 1983. Effective October 1, 1983.

Amended June 13, 2006, Amended November 4, 2008.

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 35 MRSA, Sec. 908, Sec. 1642; 29 MRSA, Sec. 1367; 17 MRSA, Sec. 3204

Schedule A

TOWN OF CAMDEN

Taxi Cab Fees

Taxi Cab Business License Application.....	56.00
(This includes one driver and Criminal Background check)	
Each Additional Taxi Cab	5.00
Taxi Cab Driver Application	56.00
(This includes Criminal Background Check)	

This payment schedule is part of Chapter VIII Town of Camden Police Ordinance, Part VI Licensing Taxicabs and the Regulation of the Operation of Taxicabs

