

ARTICLE II: TAXICABS

Section 7.201: TAXI OR TAXICABS

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

- A. Limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;
- B. Limousine services whose operator is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse.

Section 7.202: OWNER

The term "owner" as used in this Ordinance shall be construed to mean the person, firm, corporation or association having the ownership or leasehold of any vehicle used or licensed to be used in the taxi business.

Section 7.203: OPERATOR

The term "operator" as used in this Ordinance shall be construed to mean the person driving or having control or possession of said motor vehicle while the same is being used in the taxi business.

Section 7.204: TAXI STAND

The term "taxi stand" as used in this Ordinance shall be construed to mean such portion or portions of the public street or highway as shall be designated by the City Council of the City of Portsmouth as a place in which taxis may stand or park.

Section 7.205: PERMITS

The word "permit" as used in this Ordinance shall be construed to mean the permission granted by the City Council to the owner of any vehicle used in the taxi business to engage in the taxi business and to use the particular motor vehicle so registered in the taxi business.

Section 7.206: TAXI COMMISSION COMPOSITION

There is hereby created a Taxi Commission to be appointed by the Mayor with the approval of the City Council. The Commission shall be composed of one (1) Councilor, one (1) member of the business community, three (3) citizens of the City of Portsmouth selected at large, the Chief of Police or his/her designee, and one (1) individual actively engaged in the taxi business who shall be selected for approval of the City Council by the vote of those individuals or entities holding taxi permits at the time of the selection on a one (1) vote per permittee basis. The Taxi Commission shall serve co-terminus with each City Council and shall annually elect one of its number to be Chair.

Section 7.207: TAXI COMMISSION POWER AND DUTY

This Commission shall enforce all local and state laws affecting the ownership, licensing and operation of taxi cabs in the City of Portsmouth. It shall diligently see that all rules and regulations are enforced and shall exercise power of license and permit suspension and/or revocation when it determines that such action is warranted by majority vote after notice and opportunity to be heard has been afforded by the Commission to the affected license or permit holder. Said Commission shall oversee the activities of the Taxi Inspector, acting through the Chief of Police. Said Commission shall meet on call of its Chairman or at the request of three (3) of its members within five (5) days of such request. Any decision of this Commission may be appealed to the City Council.

Section 7.208: AUTHORITY OF TAXI INSPECTOR

There is hereby created the office of the Taxi Inspector who shall be an officer of the Portsmouth Police Department assigned to said position by the Chief of Police. Said officer, in addition to his or her regular duties, shall exercise control over taxicab operations to extent set forth in this Ordinance. The Taxi Inspector shall investigate all taxi complaints, inspect the operations and safety of vehicles and enforce all local ordinances pertaining to taxis.

Section 7.209: TAXI INSPECTOR PROCEDURES

If the Taxi Inspector determines that any violation of this Ordinance has occurred, the Inspector may take one (1) or more of the following enforcement actions.

- A. Issue a Defective Equipment notice to the owner and/or operator of the taxi requiring correction of the defect with 24 hours with proof of correction provided to the Police Department to avoid automatic suspension of the taxi permit.
- B. Remove the permit from the taxi in violation until the violation is corrected and proof of correction is provided to the Taxi Inspector.
- C. Suspend any permit or license, after providing notice and an opportunity to respond to the affected permittee or licensee, with any such suspension appealable to the Taxi Commission.

- D. Recommend that the Taxi Commission suspend or revoke any permit or license.

Section 7.210: PERMITS AND INSPECTIONS REQUIRED

- A. No person, firm or corporation shall engage in the taxicab business in the City of Portsmouth without first having obtained a permit for each taxi to be used from the City Clerk. The Clerk shall not issue a permit until he or she has received both:
 - A. Written authorization from the Taxi Commission;
 - B. Written notification from the Director of Public Works (or designee) that the taxi to be permitted meets all criteria contained in this Ordinance.
 - C. Each taxi permitted in the City shall be inspected in the month of June each year for compliance with the requirements in this Ordinance. (Added 10-19-2009)
- B. Taxi permits may not be transferred from one vehicle to any other vehicle except when the following actions have been performed in advance of the transfer:
 - 1. The City Clerk has been provided with the identification and certificate of insurance related to the transferee vehicle.
 - 2. The City Clerk has been provided with written notification from the Director of Public Works (or designee) that the transferee vehicle meets all criteria contained in this Ordinance.
 - 3. The City Clerk has received payment of a thirty dollar (\$30.00) per vehicle transfer fee from the permittee.
- C. No taxi permit shall be issued to any taxi owner or entity controlled by that owner or its principals when the effect of the issuance would be to provide that owner with greater than one-third (1/3) of the total outstanding taxi permits. (Adopted this item (C) 7/19/99)

Section 7.211: LICENSE REQUIRED

- A. No person shall operate any vehicle used in the taxicab business in the City of Portsmouth without first having obtained a license from the City Clerk.
- B. When a licensee changes his or her address, he or she will, within seven (7) days of such change, notify the City Clerk in writing.
- C. The City Clerk shall issue a Taxi operator's license for any individual who shall satisfy the following criteria:
 - 1. Provide evidence of possession of a valid motor vehicle operator's license.
 - 2. Provide written notification from the owner of a permitted taxi that the potential licensee has been offered employment as a taxi operator.

Provide a written recommendation from the Chief of Police or his/her designee which will not be issued by the Police Department prior to the performance by the Police Department of a criminal and motor vehicle records examination of the application. A taxi operator's license shall not be authorized for any individual who is shown to have any of the following disqualifications: (Amended 10/18/99)

- a. The individual has three or more convictions for moving violations, in this or any other state, in the three full years prior to the date of the application.
- b. The privilege of the individual to operate a motor vehicle has been revoked and/or suspended at any time, in this or any other state, in the three full years prior to the date of the application, for any reason related to the operation of a motor vehicle. (Amended 3/18/2002).
- c. The individual has been convicted of a felony or misdemeanor, in this or any other state, in the seven full years prior to the date of the application.
- d. The individual has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen full years prior to the date of the application.

- D. A taxicab operator's license shall be revoked for any violation of Federal or State law or for three convictions of violations of local traffic ordinances.
- E. The Chief of Police or his/her designee shall have the authority to immediately suspend the taxi operator's license of any individual who performs any act or makes any statement which creates an imminent threat or risk to the safety of any person. In the event of suspension for this reason, the person whose license has been suspended shall have a right of appeal of the Taxi Commission pursuant to the applicable provisions of this ordinance. (Adopted this item (E) 10/18/99)

Section 7.212: MANDATORY SELF REPORTING OF TAXI OPERATOR MOTOR VEHICLE AND CRIMINAL VIOLATIONS

Any person holding a tax operator's license shall report each and every driver's license suspension, driver's license revocation and conviction of any criminal or motor vehicle offense to the City Clerk within seven (7) days of receipt of the suspension, revocation or conviction. Failure to comply with this provision shall be cause for immediate revocation of the taxi operator's license of the person who fails to make the report. (Adopted 1/8/2001)

Section 7.213: FEES AND TERMS FOR PERMITS/LICENSES

- A. All permits and licenses granted under this chapter shall continue and remain in full force and effect for a period from the first day of July each year until midnight on the 30th day of June of the following year. (Amended July 19, 1999, this provision shall take effect on July 1, 1999)
- B. The fee for a permit shall be one hundred dollars (\$100.00) each year or any part of a year pro rated on a monthly basis commencing on July 1st for each taxi cab payable in advance on application for the permit. (Amended 05/04/09)
- C. The fee for a license shall be fifty dollars (\$50.00) per year or any part of a year pro rated on a monthly basis commencing on July 1st. (Amended 05/04/09)
- D. The fee for restoration of any permit that has been revoked shall be one hundred dollars (\$100.00). Except that when the revocation is due to failure to meet vehicle inspection requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the taxi inspector within 24 hours of the revocation. (Adopted this item (D) 7/19/99; amended 04/21/08).

Section 7.214: PERMIT/LICENSE SUSPENSION OR REVOCATION & HEARING

The Taxi Commission shall have the authority to suspend or revoke any permit or license issued pursuant to this Ordinance in the event that the Commission finds that the permittee or licensee has violated any provision or the Ordinance.

Prior to the suspension or revocation of any permit or license the Commission shall notify the affected permittee or licensee of the pending suspension or revocation and the reason therefore. The Commission shall also provide the affected permittee or licensee with a reasonable opportunity to be heard by the Commission prior to the suspension or revocation.

Section 7.215: APPLICATION FOR RENEWAL OF PERMITS OR LICENSES

All applications for renewals of permits or licenses must be filed with the City Clerk no later than the first of June of any year in order to keep the renewal privilege. The City Clerk may issue renewal permits or licenses at any time thereafter.

Section 7.216: TRANSFER OF PERMITS

No permit held by a corporation, association, partnership, individual or other entity, shall be transferred to another except in accordance with the following procedure:

- 1. Notice of proposed transfer shall be delivered to the Taxi Commission at least 14 days prior to the date of the proposed transfer.
- 2. The application for transfer shall contain the name(s) and address(es) of the proposed transferee(s). In the case of a transfer to a corporation, association or partnership or other business entity, the names and addresses of the principals of said entity shall be given. A change in such principals shall be deemed a transfer or permits.

3. The Taxi Commission shall, in accordance with the terms of this Ordinance, approve or disapprove the fitness of proposed transferees as permit holders within 14 days after receipt of notice of the proposed transfer and report its findings to the City Clerk.
4. Any permit transferred other than in accordance with the foregoing procedure, or without the approval of the Taxi Commission, shall be void and such permit shall at once be surrendered to the City Clerk.

Section 7.217: EXPIRATION OF PERMIT

No person, firm, or corporation holding a permit to operate a taxicab hereunder, which said taxicab is not in actual operation as such for a permit of 30 consecutive days, shall continue to hold the permit for such taxicab and shall deliver up the same permit to the City Clerk of said City and such permit shall forthwith terminate and expire.

Section 7.218: INSURANCE

- A. No permit shall be issued to any taxi until the applicant shall have filed with the City Clerk satisfactory proof of personal injury and property damage liability insurance coverage for each permitted taxi for the full time period of the permit. The personal injury coverage shall not be less than one hundred thousand dollars (\$100,000) for injury to one person with a total coverage of not less than three hundred thousand dollars (\$300,000) for each accident. The property damage coverage shall be not less than fifty thousand dollars (\$50,000) per occurrence.
- B. If required insurance coverage terminates, expires or is suspended, the permit shall immediately terminate and expire and must immediately be returned to the City Clerk. All required insurance policies shall contain a provision, which will provide for the automatic notification by the insurer to the City of the cancellation or expiration of the policy. Said notice shall be mailed to the City Clerk.

Section 7.219: RATES FOR TAXI FARES

- A. No taxicab shall be operated unless it is equipped with a meter in good condition to record the amount to be charged on each trip, which amount shall be shown in figures visible to the passenger. All meters must be approved in advance of use by the Taxi Inspector and sealed at all times to prevent tampering or adjustment except in the presence of the Taxi Inspector. Any violation of this provision shall be cause for immediate thirty (30) day suspension of the affected permit. Any second violation by any permittee during any calendar year shall be cause for permanent revocation of all permits issued to that permittee.
- B. No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab within the City than in accordance with the following rates: (Amended 04/21/08)

1. Three dollars and fifty cents (\$3.50) for the first one-eighth (1/8) mile or fraction hereof, and forty-five cents (\$.45) for each additional one-eighth (1/8) mile or fraction hereof; except that where more than one passenger is carried in the same party there shall be an extra charge of one dollar (\$1.00) for each person; provided, however, that in determining the fare for extra passengers, no child twelve (12) years of age or under shall be counted as such a passenger. (Amended 4/12/2004). (Amended 6/20/2005)
2. Forty-five cents (\$.45) per minute for waiting time.
3. There will be no charge for any bag, suitcase or ordinary light traveling baggage, weight not to exceed fifty (50) pounds.
4. A twenty percent (20%) discount shall be afforded to any passenger who is age sixty (60) or over.

Section 7.220: POSTING OF RATES

Each taxicab shall keep its actual rates posted in a conspicuous place on the exterior of the vehicle.

Section 7.221: MARKING

- A. Roof Light: Each taxicab shall have a roof light attached to the roof of said taxicab with the firm name or the word "Taxi" inscribed thereon and operating during evening hours when the taxi is on duty.
- B. There shall be no lights on taxicabs, except those required by law.
- C. Other Markings: Each taxicab shall have the permittee's name permanently displayed on the sides thereof in letters not less than three (3) inches in height.

Section 7.222: MAXIMUM NUMBER OF TAXICABS

Permits for not more than thirty (30) taxicabs shall be in force at any time. Each permit shall authorize the operation of one taxicab only. Each permit shall authorize the operation of one taxicab only. One of these permits shall be reserved at all times and made available only to a taxicab which is of sufficient size, construction and equipment to allow for the access and egress of handicapped individuals, including passengers utilizing electric wheelchairs, without requiring such passengers to be removed from the wheelchairs. Notwithstanding any other provision of this Ordinance, the vehicle to, which is issued the taxi permit dedicated to handicapped accessibility, may be a vehicle designated to carry up to nine (9) passengers. (Amended 7/19/99)

Section 7.223: RECIPROCITY WITH OTHER MUNICIPALITIES

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

Section 7.224: TAXICAB STANDS

- A. No owner or operator of any taxicab shall allow or permit the same to remain standing or parked unattended for longer than five (5) minutes at any taxi stand.
- B. No driver shall park his taxicab in a double line at a public stand nor shall any driver park his vehicle in such a manner as to interfere with traffic, either vehicular or pedestrian, at any location.
- C. No more than two (2) taxis owned by any permittee shall occupy any one taxi stand at any one time.

Section 7.225: OPERATOR'S LICENSE TO BE DISPLAYED

The operator of any taxicab shall keep his/her taxi operator's license which shall contain a clear photograph of the operator in a conspicuous place therein where the same may be seen by any passenger riding in said cab.

Section 7.226: PLATES

Each person holding a permit under this Chapter shall be furnished by the City of Portsmouth with two (2) license plates of suitable design, each to have displayed upon it the word "TAXI" and the permit number assigned to such vehicle and shall have those plates permanently attached in a conspicuous place on the front and rear of the motor vehicle operated under such permit.

Section 7.227: TAXI CONDITION

All taxis shall be maintained in a safe, clean and sanitary condition at all times.

Section 7.228: STOPPING

Taxi operators shall not stand or park on any street except at designated taxi stands or bus stops, except while actually engaging in taking on or leaving passengers.

Section 7.229: GENERAL PROVISIONS

- A. All licenses and permits remain the property of the City to be returned to the City in the event of revocation or suspension.
- B. When requested by a passenger any operator shall give a written receipt for the fare paid to the said passenger.
- C. Multiple fares are prohibited without the consent of each passenger.
- D. No operator or occupant of any taxicab shall be permitted to utilize smoking materials of any kind within the taxicab at any time. The owner of each taxicab shall post a notice in each taxicab, plainly visible to all occupants of the taxicab, reading, "No Smoking".

(Sections 7.201 – 7.243 – TAXICABS deleted in its entirety and substituted, as amended, 11/17/97)