

**City of South Portland  
Office of the City Clerk  
P.O. Box 9422  
South Portland, ME 04116-9422  
207-767-7628  
Certificate of Public Convenience  
§14-58**

From: \_\_\_\_\_ to \_\_\_\_\_

Business Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Business Address: \_\_\_\_\_, South Portland, ME 04106

Location of Garage (if different from above): \_\_\_\_\_

Business Owner(s) Name(s): \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

**Note: If the business is a corporation, or if a corporation has an ownership interest in the applicant, list the state of incorporation and whether the corporation is licensed to do business in the state of Maine:**

List the principal officers **and** managers of the business:

Name	Address	Birth Date

**Have any of the above ever been arrested, indicted, convicted or court martialed for any violation of law? \_\_\_\_\_ If yes, state particulars and disposition: \_\_\_\_\_**

**We, the above listed officers and/or managers, hereby grant the release of information as cited in §14-58(a)(11) to the City of South Portland “for use by the city council in aid of its determination of whether to issue, suspend or revoke a certificate of public convenience.”**

Signature	Print Name and Title
_____	_____
_____	_____
_____	_____
_____	_____

Name of Manager: \_\_\_\_\_

Manager's Home Address (City, State, Zip): \_\_\_\_\_

Please note each municipality in which you or any person identified with this license has operated or is operating a taxicab service: \_\_\_\_\_

Has the right to operate in any of the above municipalities ever been suspended or revoked? \_\_\_\_\_

If yes, please give a detailed explanation of the reasons for and the circumstances surrounding any such suspension or revocation: \_\_\_\_\_

Detailed description of the graphic design. Logo, insignia, wording, color scheme and other markings intended to identify the applicant's taxicabs and which will appear thereon: \_\_\_\_\_

Number of Taxicab/limos/vehicles:                      A. Owned or leased \_\_\_\_\_                      B. Operated \_\_\_\_\_

Taxicab/Limo/Vehicle Information:

Make	Type	Year	Plate #	Seating	Vin #

**Attach proof of insurance as required:** \$300,000 person and \$50,000 property  
Insurance Agent and Address: \_\_\_\_\_

The insurance policy shall bear an endorsement thereon that the City Clerk shall be notified in writing no less than thirty (30) days prior to the cancellation thereof. Written evidence of such coverage shall be filed with the City Clerk.

**Processing Fee: \$20.00**

**Municipal Use Only**

Date of Application: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Receipt #: \_\_\_\_\_

New: \_\_\_\_\_ Renewal: \_\_\_\_\_ Map and Lot #: \_\_\_\_\_ RE Taxes Paid: \_\_\_\_\_

Personal Property Taxes: \_\_\_\_\_ Paid: \_\_\_\_\_

**Police Chief**

Approved \_\_\_\_\_ Comment \_\_\_\_\_  
Disapproved \_\_\_\_\_

**City of South Portland  
25 Cottage Road  
South Portland, ME**

**Municipal Approval of  
Certificate of Public Convenience**

We hereby certify that public convenience and necessity require the operation of the following taxicabs in the City of South Portland.

Name of Business: South Portland Taxi, Inc.  
Address: 139 Ocean Street

Taxicabs:

Municipal Officers:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Approval: \_\_\_\_\_

## CODE OF ORDINANCES – CHAPTER 14

### Sec. 14-58. Certificate of public convenience.

No taxicab license shall be issued unless and until the City Council grants, in accordance with the provisions of this section, an initial certificate of public convenience or the City Clerk grants a renewal of a certificate of convenience. Such certificate shall authorize the holder to operate within the City the number of taxicabs denoted on the certificate, subject to increase as provided in subsection (d) below. Such certificate shall be valid only for a period of one year (unless earlier suspended or revoked under Section 14-65(a) of this Article) and must be renewed annually subject to the same terms and conditions as in the case of an initial application with the exception that the City Clerk may grant a renewal. Such certificate shall describe the graphic design, logo, insignia, wording, color scheme, or other identifying markings approved for placement on the holder's taxicabs. Such certificate shall be nontransferable.

- (a) *Application for certificate.* Application for a certificate of public convenience shall be made on a form furnished by and filed with the City Clerk. It shall be signed and verified by the individual who is applying for the certificate; or, if the applicant is a corporation, by each of its principal officers; and in all other cases, by each person other than a corporation having an ownership interest in the applicant and by each principal officer of any corporation having an ownership interest in the applicant. A completed application form shall contain:
- (1) The address of the applicant for purposes of any and all notices or other mailings required to be given under this Article;
  - (2) If the applicant is a corporation or if a corporation has an ownership interest in the applicant, the state of incorporation and whether the corporation is licensed to do business in the State of Maine;
  - (3) The name, residence and business addresses, residence and business telephone numbers, and date and place of birth of each person required to sign and verify the application form, and of each person having management authority in the business of the applicant;
  - (4) A record of conviction in any state or political subdivision for Operating Under the Influence (OUI), Driving to Endanger (DTE), speeding or any other moving violation within the previous ten years for each person identified in subsection (a)(3) above and (ii) a record of conviction of any criminal offense punishable by incarceration for any period of time, regardless of whether a sentence of incarceration was in fact imposed or served, or a statement that no such conviction exists, for each person identified in subsection (a)(3) above;
  - (5) The identity of each municipality in which the applicant or any person identified in subsection (a)(3) above has operated or is operating a taxicab service, whether the right to operate in any such municipality at any time has been suspended or revoked, and a detailed explanation of the reasons for and the circumstances surrounding any such suspension or revocation;
  - (6) The number of taxicabs actually owned or leased by the applicant and by each person identified in subsection (a)(3) above, if any;
  - (7) The number of taxicabs actually operated by the applicant and by each person identified in subsection (a)(3) above, if any;
  - (8) The number of taxicabs for which authorization to operate under a certificate of public convenience is sought;
  - (9) The make, type, year of manufacture, vehicle identification number, license plate number and seating capacity (including the driver) of each

taxicab for which authorization to operate under a certificate of public convenience is sought;

- (10) A detailed description of the graphic design, logo, insignia, wording, color scheme, and other markings intended to identify the applicant's taxicabs and which will appear thereon;
  - (11) Authorization by each person identified in subsection (a)(3) above to all persons and governmental agencies having information relevant to subsections (a)(1) through (a)(10) above to release upon request of the City Clerk such information for use by the City Council in aid of its determination of whether to issue, suspend or revoke a certificate of public convenience; and
  - (12) Such other information as the applicant deems appropriate or as the City Council may reasonably require to protect the public health, safety and welfare, and to ensure the safe care, custody and transportation of passengers.
- (b) *Public hearing.* For initial applications, the City Council shall hold a public hearing at the next regular City Council meeting for which it is in order after completion of the required background check. The City Clerk shall cause written notice of the date, time and place of such public hearing to be given or mailed to the applicant at the address provided by the applicant pursuant to subsection (a)(1) above or subsection (d) below, and to be published at the applicant's expense in a newspaper of general circulation within the City of South Portland at least seven (7) days prior to such public hearing;
- (c) *Standards for approval of a certificate of public convenience.* A certificate of public convenience shall be granted, and the applicant shall be authorized to operate within the City the requested number of taxicabs, plus those taxicabs which may be added in accordance with subsection (d) below, unless the City Council, for an initial application, or the City Clerk, for a renewal, finds:
- (1) That the applicant is or is comprised in part by a corporation which is not authorized to do business in the State of Maine;
  - (2) That the proposed graphic design, logo, insignia, wording, color scheme, or other markings intended to identify the applicant's taxicabs are identical or confusingly similar to any graphic design, logo, insignia, wording, color scheme, or other such markings which appear on taxicabs already operating in the City or in a municipality adjacent to the City;
  - (3) That the applicant or any person identified in subsection (a)(3) above:
    - a. Knowingly made a material misstatement or omission on the application form;
    - b. Has had a certificate of public convenience revoked, or has otherwise displayed a consistent pattern of disregard for the requirements of this Article or similar requirements of any other municipality, within the three-year period preceding the date of application;
    - c. Has been convicted of a moving violation or a criminal offense, unless the City Council, for an initial application, or the City Clerk, for a renewal, finds that, despite such conviction, the applicant can be entrusted with the safe care, custody and transportation of passengers, and the public health, safety and welfare are not thereby threatened;
  - (4) That there exists any other substantial basis for a reasonable belief that the applicant cannot be entrusted with the safe care, custody and transportation of passengers, or that the public health, safety and welfare will be threatened by the granting of a certificate of public convenience to the applicant.
- (d) *Changes and additions to the application.* The holder of a certificate of public convenience shall promptly notify the City Clerk of any change in or addition to the information required by subsection (a) above to be supplied on

the application form. Failure of the holder to promptly notify the City Clerk of any such change or addition may be cause for revocation or suspension of the certificate of public convenience in accordance with Section 14-65(a) of this Article.

Any such change or addition which is a material misstatement or omission knowingly made by the holder, or which demonstrates that the application contains a material misstatement or omission that was knowingly made by the applicant or by a person identified in subsection (a)(3) above, may be cause for revocation or suspension of the certificate of public convenience in accordance with Section 14-65(a) of this Article. Subject to the foregoing, any such change or addition which is de minimus in nature or scope, such as a change in the holder's address, shall not affect the validity of the certificate of public convenience. Provided further that any such change or addition which seeks authorization for a taxicab not identified in the application form shall not affect the validity of the certificate of public convenience, and any such taxicab shall be considered to be fully authorized for purposes of this section if all information required to be provided by subsections (a)(6) through (a)(9) above has been furnished and the holder is in compliance with all other provisions of this Article.

- (e) *Appeal of denial of certificate or of denial of additional taxicab authorization.* An applicant may appeal to the City Council within thirty (30) days the denial by the City Clerk of an application for a renewal of a certificate of public convenience or the denial by the City Clerk of authorization for additional taxicabs as provided in subsection (d) above, as provided by applicable law. An applicant may appeal to Superior Court the denial by the City Council of an application for a certificate of public convenience, or the denial of authorization for additional taxicabs as provided in subsection (d) above, as provided by applicable law, or the denial of an appeal from the City Clerk's denial of a renewal application. Any denial shall be in writing and shall include notification of the right to and procedure for appeal.

**Sec. 14-59. Taxicab licenses required; taximeters; inspection of taxicabs; insurance; termination, expiration of licenses; appeal upon denial of application.**

A taxicab license may be issued by the City Clerk for a taxicab which is authorized to operate in the City in accordance with the provisions of Section 14-58. No taxicab license may be issued unless each taxicab authorized to operate in the City by a holder is licensed in accordance with the provisions of this section. Such license shall be valid only for the certificate year (or portion thereof, as provided in subsection (e) below), unless earlier suspended or revoked under Section 14-65(b) of this Article, and must be renewed annually in the same manner and subject to the same terms and conditions as in the case of an initial application. Such taxicab license shall be nontransferable. The taxicab license must be placed in the licensed taxicab in a location easily visible and readable to the passenger(s).

- (a) *Application for taxicab license.* Application for a taxicab license shall be made on a form furnished by and filed with the City Clerk. A nonrefundable license as specified in the Schedule of License, Permit and Application Fees established by City Council order shall accompany each application. A completed application form shall contain:
- (1) The address of the applicant for purposes of any and all notices or other mailings required to be given under this Article;
  - (2) A written statement from the sealer that any taximeter required to be installed in the taxicab complies with subsection (b) below;

- (3) A binder or other satisfactory evidence that the taxicab is insured in accordance with subsection (d) below.
- (b) *Taximeters.* Each taxicab other than a limousine shall be equipped with a taximeter tested, approved and sealed by the sealer as an accurate measure of the distance travelled by the taxicab and of the fare being charged. The taximeter shall:
  - (1) Be adjusted to calculate no more than the maximum rates of fare set forth in Section 14-62;
  - (2) Display in clear and distinct figures by digital or dial counter the distance being travelled in length units identical to the length units used for computing the fare, the time being consumed in travel if the fare is based in whole or in part on time consumed in travel, the cumulative fare being charged, and the type of fare being charged-- mileage and/or time;
  - (3) Be permanently affixed to the interior portion of the taxicab such that the information required to be displayed is in plain view of the passenger while riding in the taxicab and is illuminated during the period between sunset and sunrise to enable the passenger to read the information displayed thereon.The taximeter shall be sealed by the sealer whenever required by this Article. The sealer shall have the right to require reinspection of any taximeter which he has good cause to believe is not functioning properly or is not otherwise functioning in the manner herein prescribed.

- (c) *Inspection of taxicabs.* Before the issuance of a taxicab license, the Police Chief or his designee shall inspect to determine whether the taxicab:
  - (1) Has a valid State of Maine motor vehicle registration;
  - (2) Complies with the requirements of all laws, ordinances, rules and regulations relating to the examination, inspection and safe operation of motor vehicles registered in the State of Maine;
  - (3) Has an official taxicab inspection sticker as a certificate of inspection affixed by the Police Chief or his designee in the lower left-hand corner of the windshield or in the center of the windshield in back of the rear view mirror;
  - (4) Is in a clean and sanitary condition;
  - (5) Meets the identifying lights and identifying design requirements of Section 14-61 of this Article;
  - (6) Is, if applicable, equipped with a taximeter sealed by the sealer; and
  - (7) Is in all other respects safe and suitable for taxicab service.

The Police Chief or his/her designee shall indicate in writing on the application form whether the vehicle has been found to be safe and suitable for taxicab service. The Police Chief or his/her designee shall have the right to require reinspection of any taxicab which he has good cause to believe no longer meets the standards set forth herein. If a taxicab fails any reinspection, the Police Chief or his designee shall give the owner written notice of the deficiencies which must be corrected and a clear warning that failure to correct these deficiencies within ten (10) days of the date of mailing of the notice shall constitute good cause for suspending or revoking the taxicab license pursuant to Section 14-65. Nothing herein shall be construed to limit the authority of any law enforcement officer, including the Police Chief or his designee, to prevent by impoundment, or otherwise, continued operation of a motor vehicle determined by the officer to be unsafe to operate.

- (d) *Insurance.* Each taxicab shall be insured for the period over which the taxicab license is to remain in force, insuring persons and property from liability for injuries and damages resulting from the use and operation of the taxicab. Such insurance policy or coverage shall be issued for a principal sum sufficient to provide indemnity for personal injury in the amount of not less than three hundred thousand dollars (\$300,000.00) for personal injuries arising out of a single

accident, and for property damage in the amount of fifty thousand dollars (\$50,000.00). Written evidence of such coverage shall be filed with the City Clerk. The licensee shall maintain such insurance at all times during the term of the license, and the licensee shall provide the City Clerk with not less than thirty (30) days' advance written notice of the cancellation, expiration or non-renewal of said insurance.

- (e) *Termination and expiration of taxicab license.* The expiration, termination, suspension or revocation of a certificate of public convenience shall cause the immediate termination of any and all taxicab licenses authorized thereunder.
- (f) *Appeal.* If an application for a taxicab license is denied because of failure to comply with the terms of this section, or if a taxicab fails a reinspection, the owner may appeal such action to the City Council within ten (10) days after notification thereof is mailed to the owner. An appeal from the decision of the City Council may be taken to the Superior Court as provided by applicable law.

**Sec. 14-60. Taxicab driver's license required; license applications; issuance of license; appeal upon denial of application; badge and identification cards; term of license; filing of list of drivers.**

It shall be unlawful for any person to operate a taxicab for hire in the City of South Portland without first having obtained a taxicab driver's license in accordance with the provisions of this section unless such person holds a valid license issued under a municipal ordinance whose provisions and requirements are substantially similar to the provision of this section. Such license shall be issued by the City Clerk upon satisfaction by the applicant of the requirements set forth in subsections (a) and (b) below. Such license shall be valid for a period of one year from the date of issuance (unless earlier suspended or revoked under Section 14-65(c) of this Article) and must be renewed annually in the same manner and subject to the same terms and conditions as an initial application. A taxicab driver's license shall be nontransferable.

- (a) *Application for license.* Application for a taxicab driver's license shall be made on a form furnished by and filed with the City Clerk. A nonrefundable license fee as specified in the Schedule of License, Permit and Application Fees established by City Council order shall accompany the application. A completed application form shall be signed and verified by the applicant and shall contain:
  - (1) The address of the applicant for purposes of any and all notices and other mailings required to be given under this Article;
  - (2) A record of conviction of any criminal offense punishable by incarceration for any period of time, regardless of whether a sentence of incarceration was in fact imposed or served, or a statement that no such conviction exists;
  - (3) The identity of each municipality in which the applicant has operated a taxicab for hire, whether the right to operate in any such municipality has ever been suspended or revoked, and a detailed explanation of the reasons for and circumstances surrounding any such suspension or revocation;
  - (4) A record of conviction of any OUI, DTE, speeding or other moving violation within the previous ten years, the date of such conviction, the punishment imposed, and the location of the court in which such conviction was entered, or a statement that no such conviction exists;
  - (5) Authorization by the applicant to all persons and governmental agencies having information relevant to subsections (a)(1) through (a)(4) above to release upon request of the City Clerk such information which may aid his

determination of whether to issue, suspend or revoke a taxicab driver's license; and

- (6) Such other information as the applicant deems appropriate or as the City Clerk may reasonably require to protect the public health, safety and welfare, and to ensure the safe care, custody and transportation of passengers.
- (b) *Evidence in support of application.* In addition to filing a completed application form, an applicant for a taxicab driver's license must satisfy each of the following requirements:
- (1) Present sufficient evidence that the applicant is at least eighteen (18) years of age;
  - (2) Demonstrate that the applicant can fluently read, write and speak the English language;
  - (3) Present a valid State of Maine driver's license;
  - (4) Present at the time of the initial license application a valid letter from a physician licensed to practice medicine in the State of Maine indicating the applicant's fitness to safely operate a motor vehicle, and a supplemental letter every year thereafter stating the licensee's continuing fitness to safely operate a motor vehicle;
  - (5) Submit two (2) recent photographs of himself measuring not more than one and one-half (1 1/2) inches by one and three-quarters (1 3/4) inches;
  - (6) Demonstrate to the satisfaction of the Police Chief or his designee that the applicant is competent to operate a motor vehicle safely and in accordance with all applicable traffic laws and ordinances; provided, that conviction of a predicate offense to habitual offender status under the laws of Maine during the year immediately preceding the date of the application shall create a rebuttable presumption that the applicant does not satisfy the requirements of this paragraph;
- (c) *Badge and identification card.* A taxicab driver's license shall be signed by the City Clerk. Upon the issuance of such a license, the City Clerk shall deliver to the licensee a badge bearing the words "City of South Portland Taxicab Driver's License", which badge shall be worn conspicuously by the licensee at all times while performing his/her job functions as a taxicab driver. The City Clerk shall also deliver to the licensee an identification card bearing a recent photograph of the licensee and the licensee's name. The taxicab driver's license must be placed in the taxicab in a location easily visible and readable to the passenger(s).
- (d) *Current list of taxicab drivers.* Each owner shall on the first day of each certificate year file with the City Clerk a current list of all taxicab drivers in the owner's employ and of the license number assigned to each such driver. Each owner shall promptly notify the City Clerk of any additions or subtractions to such list during the certificate year.
- (e) *Appeal of denial of license.* If an application for a taxicab driver's license is denied because of failure to comply with the terms of this section, the unsuccessful applicant may appeal such denial to the City Council within ten (10) days after notification thereof is mailed to the applicant. An appeal from the decision of the City Council may be taken to the Superior Court as provided by applicable law.

#### **Sec. 14-61. Identification of taxicabs.**

- (a) *Identification as taxicab.* Each taxicab other than a limousine shall be identified as such by the permanent placement on the exterior of one door on each side of the taxicab one of the following:

- (1) The name of the owner and word "taxicab" or "taxi" or "cab" as well as the existing mileage fares in letters at least two and one-half (2 1/2) inches high; or
  - (2) A graphic design, logo, or insignia at least eight (8) inches in diameter, and which contains the owner's name or trade name and the word "taxicab" or "taxi" or "cab."
- (b) *Lights.* In addition to the exterior lights required by law, each taxicab other than a limousine shall be equipped with an identity light attached to its roof. Such identity light shall be constructed in one unit not exceeding eight (8) inches in height and twenty-three (23) inches in length and shall consist of an illuminated plate or cylinder upon which is printed the word "taxicab" or the name of the owner. Such identity light shall be illuminated during the period between sunset and sunrise when the taxicab is available for hire.
- (c) *Identifying design.* Each taxicab shall bear such graphic design, logo, insignia, wording, color scheme, or other identifying markings as described in the certificate of public convenience under which the taxicab is authorized.
- (d) *Identification as limousine.* Each limousine shall be identified as such by the use of a State of Maine Department of Motor Vehicles license plate that identifies the vehicle as one for hire.

#### **Sec. 14-62. Fare schedule.**

- (a) *Taxicabs other than limousines.* It shall be unlawful for any person, firm, association, partnership or corporation to charge fares for use of a taxicab other than a limousine in excess of the following:
- (1) *Fares based on distance:*
    - One-ninth (1/9) mile or part thereof: \$1.90.
    - Each additional one-ninth (1/9) mile or part thereof: \$0.25
    - After five (5) minutes each seventy-two (72) second waiting period at passenger's request to stand and wait: \$0.30
  - (2) *Hourly fares:*
    - First hour or part thereof: \$10.00.
    - Each additional one-quarter ( 1/4) hour or part thereof: \$2.50.
  - (3) *All fares:*
    - Hand luggage: No charge.
    - More than one passenger, trip between the same two points: No extra charge.
    - More than one passenger, different destinations: Each to pay proportionate share of charges shown on meter.
- (b) *Limousines.* There is no maximum fare schedule for hire of a limousine; provided, however, that the driver of a limousine shall, upon request, establish in advance a fixed fare for a fixed itinerary, and in such event, the actual fare charged shall not exceed the fixed fare, unless the passengers so agree.
- (c) *Fare card.* A fare card shall be displayed in each taxicab other than a limousine as required by Section 14-64 of this Article. Such card must be placed in the taxicab in a location easily visible and readable to the passenger(s) and must show in readable form and format the maximum fare schedule prescribed in this section, and the notice provided by Section 14-66 of this Article.

#### **Sec. 14-63. Taxi stands and soliciting.**

The City Council may by order assign to each and every licensed taxicab other than a limousine owner suitable taxi stand space on public streets and ways.

- (a) *Standing in other than designated areas prohibited.* No owner shall permit his licensed taxicab to stand in any public place, street, lane or square other than an assigned taxi stand.
- (b) *Passenger soliciting.* No driver of a taxicab shall solicit any passenger or passengers within fifty (50) feet of such assigned taxi stand except while parked or standing therein.

**Sec. 14-64. Display requirements.**

Any applicable fare card, the taxicab license issued for that taxicab and that taxicab driver's license shall also be conspicuously displayed so that they can be read by passengers while riding therein. Each such taxicab license, taxicab driver's license and any applicable fare card shall be illuminated between the hours of sunset and sunrise so as to enable the passengers to read the information contained therein.

**Sec. 14-65. Suspension and revocation of certificates and licenses.**

- (a) *Suspension or revocation of certificate of public convenience.* The City Clerk may suspend any certificate of public convenience where there is an immediate risk to the public health, safety or welfare. Upon suspension of the certificate of public convenience by the City Clerk, a public hearing before the City Council shall be placed on the agenda for the next City Council meeting that is at least seven (7) calendar days from the date of the suspension. The City Council may, after notice to the holder and a public hearing, suspend or revoke a certificate of public convenience if it finds:
  - (1) That the holder knowingly failed to disclose relevant and material information required to be submitted in support of its application, or knowingly failed to promptly advise of any material change or addition thereto after issuance of the certificate for public convenience; or
  - (2) That the holder knowingly made an incorrect statement of a material nature in support of its application or after issuance of the certificate for public convenience; or
  - (3) That the taximeter, or any part of a taxicab affecting the operation of the taximeter, has been adjusted to intentionally misrepresent the distance actually travelled by the taxicab or other information required to be measured by the taximeter, by or with the full knowledge of the owner; or
  - (4) That the holder has consistently failed to maintain standards in the operation of his taxicab service as required under Section 14-59 and other provisions of this Article; or
  - (5) That the taxicabs of the holder have consistently been operating in violation of Section 14-63 of this Article relating to taxistands and solicitation; or
  - (6) That the holder has consistently demonstrated a disregard in the operation of his/her taxicab service for the public health, safety and welfare, or for the safe care, custody and transportation of passengers.
- (b) *Suspension or revocation of taxicab license.* The City Clerk may suspend any taxicab license where there is an immediate risk to the public health, safety or welfare. Upon suspension of the taxicab license by the City Clerk, a public hearing before the City Council shall be placed on the agenda for the next City Council meeting that is at least seven (7) calendar days from the date of the suspension. The City Council may, after notice to the owner and a public hearing, suspend or revoke a taxicab license if it finds:

- (1) That any applicable fare card, a taxicab license, or a taxicab driver's license has consistently not been on display as required by Section 14-64 or this Article; or
  - (2) That the licensed taxicab fails to meet the standards required under Section 14-59 of this Article; and or
  - (3) That the owner has displayed a disregard for the public health, safety and welfare, or for the safe care, custody and transportation of passengers.
- (c) *Suspension or revocation of taxicab driver's license.* The City Clerk may suspend any taxicab driver's license where there is an immediate risk to the public health, safety or welfare. Upon suspension of the taxicab driver's license by the City Clerk, a public hearing before the City Council shall be placed on the agenda for the next City Council meeting that is at least seven (7) calendar days from the date of the suspension. The City Council may, after notice to the licensee and public hearing, suspend or revoke the license of a taxicab driver if the City Council finds:
- (1) That the licensee has been convicted of a moving violation while on or off duty; or
  - (2) That the licensee has consistently failed to wear the badge issued to him, as required under Section 14-60 of this Article; or
  - (3) That the licensee has consistently failed to display any applicable fare card, the taxicab license, or his taxicab driver's license, as required by Section 14-64 of this Article; or
  - (4) That the licensee no longer complies with the standards contained in Section 14-60(a) of this Article; or
  - (5) That the licensee in one or more instances knowingly took a longer route to the requested destination than was necessary, unless so requested by the passenger; or
  - (6) Knowingly conveyed any passenger to a place other than that which the passenger specified; or
  - (7) Transported any person other than the passenger first engaging the taxicab without the express consent of such first passenger.

#### **Sec. 14-66. Privileges of passengers.**

- (a) *Additional passengers.* No driver of a taxicab shall carry any person other than the passenger first engaging his/her taxicab, without the latter's consent.
- (b) *Refusal to provide taxicab service.* No orderly person, upon request, shall be refused or neglected transportation by a driver unless the taxicab is previously engaged or unable or forbidden by provisions of this Article to accept such passenger.
- (c) *Receipt upon demand.* The driver of any taxicab shall, upon demand by a passenger, render to such passenger a receipt for the amount paid. Such receipt shall bear the name of the owner, the name of the driver, the date of transaction and the amount paid.

#### **Sec. 14-67. Applicability.**

(a) Except as otherwise provided in this section, the provisions of this Article shall apply to taxicabs when their headquarters are located in the City and they provide any rides for hire within South Portland.

(b) The provisions of this Article shall not apply to a motor vehicle licensed by another municipality to operate as a taxicab or other motor vehicle for hire that is operated within South Portland in response to: (i) a call to convey a passenger from the City to such other municipality; or (ii) a request to convey a passenger from the City to such other municipality when such request is made at the

point of delivery in the City of a passenger from such other municipality; or (iii) a request to convey a passenger from such other municipality to the City.

(c) Limousine operators that hold a current interstate operating authority from the Federal Motor Carrier Safety Administration and the limousines covered by such interstate operating authority are exempt from this Article. Failure to have a written prior reservation record at the time of pick-up, drop-off or conveyance of a passenger creates a rebuttable presumption that the vehicle and operator are required to be licensed under this Article.

**Sec. 14-68. Penalties.**

Any person violating any provision of this Article shall be fined in an amount not to exceed five hundred dollars (\$500.00) per violation. Each separate section and each day of a violation shall constitute separate violations. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of Section 14-65.

**Sec. 14-69. Severability.**

The provisions of this Article are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

**Sec. 14-70. Effective date.**

This article shall become effective January 21, 1987, at which time former Article III, Sections 14-56 through 14-70, in effect at the time of adoption of this Article, shall be repealed in their entirety.

Amendments to Section 14-56, Definitions, adopted as Ordinance #11-06/07 shall become effective 12:01 a.m. November 21, 2006.