

TOWN OF BENNINGTON, VERMONT

ARTICLE 3. REGULATION OF THE OPERATION OF TAXI CABS

ARTICLE 3-1. DEFINITIONS

For purposes of this Ordinance the following definitions shall apply:

- A. TAXI CAB. A motor vehicle used regularly, held out, or used for hire by the general public for the transportation of persons within the Town, excluding vehicles used in intrastate or interstate transportation, vehicles used by common carriers, and limousine services.
- B. TAXI STAND. A location approved by the Town and properly signed where taxi cabs may have exclusive parking privileges to await fares.
- C. CAB. Shall mean a taxi cab as described herein.
- D. TAXI DRIVER. Shall mean any person who operates a taxi cab.
- E. MANAGER. Shall mean the Town Manager of the Town of Bennington or designee.
- F. POLICE DEPARTMENT. Shall mean the Chief of Police of the Town of Bennington or designee.

ARTICLE 3-2. JURISDICTION

From its effective date and thereafter, this Ordinance shall be enforceable throughout the Town of Bennington, including the incorporated Villages, therein, unless and until, either of them shall adopt a more restrictive Ordinance pertaining to this subject.

ARTICLE 3-3. PURPOSE

The purpose of this Ordinance is to protect the public interest, safety and convenience.

ARTICLE 3-4. LICENSING REQUIRED

No taxi cab shall be operated within the Town without proper Vermont vehicle registration and a Town license to do so, except trips originating outside the Town.

ARTICLE 3-5. APPLICATION

Prior to the issuance of any license required by this Ordinance, an application shall be filed with the Town Manager

ARTICLE 3-6. PROOF OF INSURANCE AND INSPECTION

No license shall be issued until the applicant has provided satisfactory evidence that the vehicle has been insured against public liability in the amounts established by State law and a certificate of insurance proving compliance shall be filed with the Manager; and further, the applicant shall provide a certificate that the vehicle was inspected within ten (10) days prior to application and found to be in sound mechanical condition and in compliance with all applicable State laws and local Ordinances.

ARTICLE 3-7. GRANTING AUTHORITY

A. License and permits required by this Ordinance shall be granted at the discretion of the Manager according to the intent of this Ordinance. The Manager's decision may be appealed to the Select Board.

ARTICLE 3-8. FEES BY THE SELECT BOARD

A. The Select board may, from time to time, set fees for taxi cab permits. Such fees shall be appended here to as "Appendix A".

ARTICLE 3-9. EFFECTIVE DATES OF LICENSES

The licenses and permits required by this Ordinance shall run for periods of one (1) year from January 1; and those issued after June 30 of each year shall be done so at half the rates specified.

ARTICLE 3-10. TRANSFER OF LICENSES

Licenses or permits issued pursuant to this Ordinance are not franchises and they shall not be sold or assigned; however, after proper application and approvals, they may be transferred to another vehicle.

ARTICLE 3-11. FORM

Licenses issued pursuant to this Ordinance shall be in such form as prescribed by the Manager.

ARTICLE 3-12. INSPECTION ANNUAL AND OTHERWISE

Annually and at such other times as the Chief of Police may require, the owner of every licensed taxi cab shall have such taxi cab inspected by an official inspector or inspection station and shall forthwith file with the Chief of Police a certificate by such inspector, or station showing that such cab is in safe and proper mechanical condition and is fully equipped as required by law; no taxi cab shall be operated unless there is on file such a certificate dated during the current year. Whenever the Chief of Police has determined that such cab is not in proper mechanical condition and properly equipped, he or she may suspend the license; therefore, without a hearing and require the owner to have such taxi cab officially inspected as herein provided; and he shall not lift such suspension until the owner has filed a new certificate of inspection.

ARTICLE 3-13. LICENSE, SUSPENSION / REVOCATION

Licenses granted under this Ordinance may be suspended or revoked by the Select Board for cause following written notice. A hearing, upon said suspension or revocation, if requested, shall be held within five (5) days. Every taxi cab owner and operator shall observe all applicable State laws and Town ordinances; conviction of any violation of a State law or Town ordinance relating to taxi cabs for hire, motor vehicles or the operation thereof, or of State laws which constitute crimes of moral turpitude may be grounds for suspension, revocation or denial of the taxi cab. If a license is suspended, it shall be for such time as may be considered equitable under the circumstances of the case; and such suspension shall be effective upon the conclusion of a hearing by the Board, if a hearing is requested.

ARTICLE 3-14. POSTING OF RATES OF FARE

Rates of fares to be charged for the conveyance of passengers and baggage shall be filed with the Manager by each taxi cab owner prior to licensing; such schedule of fares shall be set forth on a plate or placard headed "Licensed taxicab, Bennington, Vermont, Rates of Fare", and such plate or placard shall be in form satisfactory to the Manager and shall be prominently displayed in each licensed taxi cab.

ARTICLE 3-15. VIOLATION OF RATES OF FARE

It shall be unlawful for a taxi driver to transport, or for a taxi cab license holder to knowingly permit the transportation of passengers or baggage at a rate other than that on file with the Manager

3-16. LICENSING CONDITIONS

Licenses required by this Ordinance shall be granted by the Manager with due regard for the condition and type of equipment proposed to be used by the applicant, the financial responsibility of the applicant, record of past performance, if any; and the Select Board may hold public hearings before granting licenses for the ensuing year.

3-17. PENALTIES AND FINES

In addition to suspension or revocation or in lieu of such action, the violator may be cited for prosecution and upon conviction may be fined in an amount not to exceed Five Hundred Dollars (\$500.00).

3-18. SEPARATION

If any section of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective, such decision shall not affect the validity or effectiveness of the remaining sections or any part thereof.

3-19. EFFECTIVE DATE

This Ordinance, if so voted as provided by law, shall be effective January 1, 1989. On June 28, 1988, the Citizens of the Town of Bennington voted to approve this Ordinance. Upon signing by the Select Board, the Ordinance shall be effective as provided above.

THIS ORDINANCE IS HEREBY ADOPTED by the Select Board of the Town of Bennington this 19th day of July, 1988.