

RULES AND ORDERS GOVERNING PRIVATE LIVERY SERVICE
WITHIN THE TOWN OF MIDDLETON

By virtue of M.G.L. (3rd ed.), Chap.40, Sec. 22, at a regular meeting of the Board of Selectmen of the Town of Middleton, held on September 10, 2013, the following rules and orders for the conduct of private livery service within the Town of Middleton, were adopted.

Section 1: Private Livery Service Defined. Private Livery Service shall be defined as the carriage of groups of persons for hire, who pursuant to a common purpose and under a single contract, and at a fixed charge for the vehicle, have acquired the exclusive use of a vehicle for the duration of a particular trip; or, the carriage of persons for hire for any special purpose, an event or occasion or series of events or occasions, of a number of passengers to whom the carrier itself, or some person in its behalf, has sold or intends to sell tickets for transportation service, whether such tickets are for transportation alone or are in the form of combination tickets. Funeral Directors shall be exempt under this section.

Section 2: The Board of Selectmen may, from time to time, grant licenses for private livery service upon such terms and to such persons, corporations, partnerships and other business entities (hereinafter referred to as persons), as they deem expedient for a period of not less than one year next following their application to operate, set up, use or drive motor vehicles in private livery service. No person shall operate, set up, use or drive motor vehicles in private livery service without such a license. A notice of hearing under this Section shall be published in a local newspaper at least seven days before the public hearing.

Section 3: No person licensed under these rules and orders shall behave in a rude or disorderly manner, or use any indecent, profane or insulting language toward any passenger or other person.

Section 4: A list of all vehicles to be operated in private livery service by a person licensed under these rules and orders shall be provided to the Selectmen and kept on file as a public record in the office of the Town Clerk. Said list shall contain a description of the vehicle or vehicles by make, year of manufacture, color, identification number, and department or motor vehicles registration number. The applicant/licensee will notify the Town Clerk when any of the items required to be listed shall change.

Section 5: For every license granted pursuant to these Rules and Orders for the conduct of private livery service within the Town of Middleton, there shall be paid to the Board of Selectmen the sum of One Hundred Dollars (\$100) for the livery license. For the first vehicle to be used in private livery service there will be a fee of Fifty Dollars (\$50) for the first vehicle and twenty five dollars (\$25) for each additional vehicle as required to be listed as in Section 4 with the Town Clerk.

Section 6: No vehicle to be used in Private Livery Service shall be operated by a person under eighteen years of age.

Section 7: Any license granted under the provisions of these rules and orders may be revoked by the Board of Selectmen for cause, after notice and reasonable opportunity

to be heard. Any person who violates these rules and orders or the terms of a license to operate vehicles in private livery service shall be fined one hundred dollars (\$100) for each offense, each day of violation to be considered a separate offense.

Section 8: Each person operating vehicles in Private Livery Service, shall file a certificate of insurance covering all vehicles to be operated in Private Livery Service with the annual application, on or before January 2nd of each year. In the event of cancellation, a ten-day notice must be given to the Board of Selectmen.

Section 9: All motor vehicles to be operated in Private Livery Service and listed with the Town Clerk as provided in Section 4 shall be provided with an identification number by the Town Clerk. Said identification number shall be conspicuously posted on a printed card in every vehicle.

Section 10: The Selectmen of the Town of Middleton may, as they deem necessary, restrict a licensee/applicant licensed under these rules and orders to the use of specified routes or public ways within the Town of Middleton.

Section 11: No person shall operate any vehicle in Private Livery Service, as that term is defined herein, while carrying ten or more people, including the driver.

Section 12: No person operating motor vehicles in Private Livery Service under a license granted pursuant to these rules and orders shall operate a vehicle in such a manner as to provide a service similar to a taxi service, by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running.

Section 13: The applicant/licensee shall provide the Board of Selectmen with all reasonable information, which the Board may request relative to safety features of the vehicle or vehicles proposed to be used in Private Livery Service. The Selectmen shall have the discretion, if they deem it of the passengers or public, to disapprove a vehicle or vehicles necessary to protect the safety for use in Private Livery Service.

Section 14: Any person operating a motor vehicle or vehicles in Private Livery Service, as defined herein, prior to the adoption of these rules and orders, may continue to so operate, but must apply for licensing from the Board of Selectmen within two months after the adoption of these rules and orders.

Per Order of the Board of Selectmen:

s/ Kosta Prentakis, Chairman

s/ Timothy Houten

s/ Nancy Jones

s/ Christine Lindberg

s/ Brian Costa

Attest: A True Copy: /S/ Sarah George, Town Clerk