

**Notice of Public Hearing
New Shoreham Town Council
July 15, 2020**

**Proposed Amendment to New Shoreham's Revised Ordinances
Motor Vehicles for Hire**

The New Shoreham Town Council will meet via telecommunication pursuant to State of Rhode Island Executive Order 20-25 dated April 15, 2020.

The Town Council has scheduled a public hearing to consider changes to the Town's General Ordinances Chapter 8 Licenses and Business Regulations, Article VII Motor Vehicles for Hire Section 161 "Commission on motor vehicles for hire;" Section 166 "License requirement for drivers;" Section 170 "Suspension, fines of taxi, limousine or charter bus license;" Section 171 "Revocation of license; hearing;" and Section 172 "Penalties for violation." The proposed deletions are crossed out and proposed additions appear underlined below.

ARTICLE VII. - MOTOR VEHICLES FOR HIRE

Sec. 8-161. Commission on motor vehicles for hire.

(a) The town council shall appoint an advisory commission to be called the commission on motor vehicles for hire. This commission shall consist of five voting members as follows:

- (1) Two persons who shall not be licensees under this article, and shall not be licensed as chauffeurs under this article;
- (2) Two persons who shall be licensees; and
- (3) One person who shall not be a licensee under this article and who shall not be licensed as a chauffeur under this article, appointed by the town council from a list of no more than four names to be provided by the Block Island Chamber of Commerce and New Shoreham Tourism Council, each of which will submit no more than two names.

(b) Each member shall be appointed for a period of three years. At the commission's inception, two members shall be appointed for three-year terms, and two members shall be appointed for two-year terms.

(c) The commission shall have the following duties:

- (1) To draft and forward regulations for the operation of motor vehicles for hire in the town in keeping with public convenience and necessity, including rates for the hiring of such motor vehicles to the town council for its approval. Motor vehicles for hire are further defined as follows:
 - a. Taxis are herein defined as motor vehicles for hire with a seating capacity, including the driver, of no more than 12, or the manufacturer's seating specifications, whichever is less, which may pick up or discharge upon solicitation anywhere within the town. Taxis are permitted to provide vehicular tours of Block Island.

- b. Limousines are herein defined as motor vehicles for hire with a seating capacity, including the driver, of no more than 12, or the manufacturer's seating specification, whichever is less, that can only transport passengers at their request, and such request must be made at the office of the owner of the vehicle by phone or in person. Limousines are prohibited from providing vehicular tours of Block Island to visitors and from general pickup of passengers.
- c. Charter buses are herein defined as motor vehicles for hire with a seating capacity of more than 20 that can only transport passengers by their request, and such request must be made at the office of the owner of the vehicle by phone or in person. Charter buses are permitted to provide vehicular tours of Block Island to visitors.
- d. The commission has no jurisdiction over motor vehicles for hire which are not provided with a driver.

- (2) To maintain a list of applicants for new licenses for operation of motor vehicles for hire.
- (3) To receive and investigate complaints lodged by members of the public or the commission regarding the operation of motor vehicles for hire, to impose fines and to suspend a license for a period of not more than five days for violations of this article and/or the regulations, pursuant to the procedure provided for in section 8-170. All such suspensions shall be for the period between June 15 and September 15.

(d) The commission shall meet regularly to conduct such business as may be presented before them.

(Ord. of 12-17-1997(2), § 8-161; Ord. of 12-7-1998(1), § 8-161; Ord. of 4-3-2000; Ord. of 8-5-2002, § 8-161; Ord. of 8-18-2004, § 8-161; Ord. of 2-2-2005(2), § 8-161; Ord. No. 2016-03, March 16, 2016, § 8-161)

Cross reference—Boards, committees and commissions, § 2-51 et seq.

Sec. 8-162. Definitions and license requirements.

(a) For purposes of this article pertaining to Motor Vehicles for Hire, the following definitions shall apply:

(1) *Motor vehicle* means every vehicle that is self-propelled or designed for self-propulsion. Except as otherwise provided, for the purposes of this article, any device which is a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

(2) *Operation or use of a motor vehicle for hire* means the transporting of a passenger or passengers in any motor vehicle in the Town of New Shoreham to such points as may be directed by the passenger for compensation for the service, directly or indirectly.

(b) No person shall transport passengers for hire in any motor vehicle, without first obtaining a New Shoreham taxi, charter bus or limousine license from the town clerk, upon approval of the town council. The license shall be visibly displayed in any vehicle for hire at all times the vehicle is being operated for hire, and shall be produced upon request of any law enforcement official or passenger.

(Ord. of 12-17-1997(2), § 8-162; Ord. of 8-5-2002, § 8-162; Ord. of 8-18-2004, § 8-162; Ord. 2015-04, April 15, 2015, § 8-162)

Sec. 8-163. Total number of licenses; transfer; renewal; eligibility.

(a) The total number of licenses under this article shall be as follows:

- (1) 32 taxicab licenses.
- (2) Two limousine licenses.
- (3) Two charter bus licenses.

The town council may, by majority vote, increase or decrease the number of licenses in any and all categories.

In the event that the town council votes to decrease the number of licenses in any category or in the event that this ordinance is amended to reduce the number of licenses in any category, such reduction shall be implemented by attrition and not by cancelling a license held by any individual. For purposes of this paragraph, attrition means the death of a license holder (unless the deceased license holder's spouse applies for the cancelled license as provided in paragraph (b) of this section 8-163), the revocation of a license, and/or the failure of a license holder to renew a license.

(b) (i) A license shall be canceled 24 hours following the death of a licensee who, at the time of the licensee's death, does not have a surviving spouse. Except as provided in paragraph (a) involving reduction of licenses by attrition, upon such cancellation, the license shall become available to the next qualified applicant.

(ii) During the 30-day period following the death of a licensee who, at the time of the licensee's death, does have a surviving spouse, the decedent's legally married spouse may apply for the decedent's license. The decedent's spouse, if qualified, shall be entitled to receive the license, notwithstanding that the spouse may not have had a Rhode Island operator's license or chauffeur's license with a New Shoreham address for at least five years prior to the date of the application. In the event that the decedent's spouse does not apply for the decedent's license within the 30-day period following the death of the licensee, or, in the event that the decedent's spouse at any time during such 30-day period declines in writing to exercise the right to apply for such license, such license shall be canceled. Except as provided in paragraph (a) involving reduction of licenses by attrition, upon such cancellation, the license shall become available to the next qualified applicant.

(c) Only natural persons shall be eligible for licenses granted under this article. No license shall be granted to a corporation, partnership, or other business entity. No person shall hold more than one license in any one category. No married couple shall hold more than one license in any one category. Licenses shall be nontransferable.

(d) All licenses shall be issued for a one-year period beginning on May 15 of each year. Applications for renewals of licenses shall be received by the town clerk by April 15 of each year. Any existing licenses not renewed by the town council prior to May 15 of each year, and not issued by the town clerk in exchange for receipt of the required fee prior to June 30 of each

year, shall become available to the next qualified applicant on the list maintained by the commission.

(e) Each license shall be for one vehicle only.

(Ord. of 12-17-1997(2), § 8-163; Ord. of 8-5-2002, § 8-163; Ord. No. 2013-12, December 2, 2013, § 8-163; Ord. No. 2014-01, January 15, 2014, § 8-163)

Sec. 8-164. - Application for license; qualifications of applicants.

(a) Applications for new licenses shall be submitted to the commission, which shall determine qualification for the license. The names of qualified applicants shall be forwarded to the town council.

(b) The commission on motor vehicles for hire shall maintain a waiting list of those who wish to be considered for a license as they become available and shall provide the names of those on the list who continue meeting the criteria set forth in subsection (c) of this section to the council on an annual basis.

(c) To be qualified, an applicant must prove he or she meets the following criteria, in addition to any other criteria that may be imposed by regulations promulgated pursuant to this article:

(1) The applicant must be of good moral character.

(2) The applicant must have been a resident of the town as defined in section 2-2, for five consecutive years prior to the date of the original application.

(3) The applicant must have been a qualified elector of the town for five consecutive years prior to the date of application, unless ineligible by reason of age.

(4) The applicant must have held a Rhode Island operator's license, chauffeur's license or a commercial driver's license with appropriate passenger endorsement with a New Shoreham address for five consecutive years prior to the date of application.

(d) Before forwarding any application for motor vehicles for hire to the town council for possible granting, the commission on motor vehicles for hire shall ascertain that each of these criteria have continued to be met during such time the application was awaiting town council action or that, in case of renewal, the applicant continues to meet the criteria set forth in subsections (c)(1), (c)(2) and (c)(3) of this section. For renewal of a New Shoreham charter bus license, except a license granted under section 8-163(b), the applicant must hold a valid state commercial driver's license with appropriate passenger endorsement, and must obtain a New Shoreham chauffeur's license each year. No application can be forwarded to the town council for granting of a new or renewal license that does not meet this criteria nor can the town council grant a New Shoreham charter bus license to any person who does not meet this criteria. These applications will be received and acted upon at a hearing before the commission on motor vehicles for hire open to the public and the results will be forwarded immediately to the town council.

(e) If the commission finds that an applicant for a new license, a renewal or a position on the waiting list does not meet the criteria in subsection (b) of this section, it shall so notify the applicant in writing by registered or certified mail stating its reasons in detail. An applicant found unqualified shall have the right to request a hearing before the commission. Such a hearing must be requested in writing within 30 days of receipt of the commission's decision. A hearing so requested shall be conducted within 30 days of the date the request is received, and the commission's decision shall be issued within 30 days after the hearing is concluded and an automatic appeal will be taken to the town council and placed on the first available agenda.

(Ord. of 12-17-1997(2), § 8-164; Ord. of 8-5-2002, § 8-164; Ord. of 8-18-2004, § 8-164; Ord. of 9-15-2004, § 8-164)

Sec. 8-165. - License fee.

(a) The fee for licenses issued under this article shall be set annually by the town council and kept on file in the town clerk's office.

(b) The fee for charter buses arriving from the mainland will be set by the town council per landing in addition to the per capita landing fee for passengers. The fee for charter buses whose operators meet the criteria of section 8-164(c) shall be set annually by the town council and kept on file in the town clerk's office.

(c) The fee for a license issued under this article shall be paid to the town clerk before the license is issued.

(Ord. of 12-17-1997(2), § 8-165; Ord. of 8-5-2002, § 8-165)

Sec. 8-166. - License requirements for drivers; town chauffeur's license.

(a) No person shall transport passengers for hire in any motor vehicle for hire, without first obtaining a New Shoreham chauffeur's license from the town clerk. The license shall be visibly displayed in any motor vehicle for hire at all times the vehicle is being operated for hire, and shall be produced upon request of any law enforcement official or passenger.

(b) No person who does not hold a valid chauffeur's license issued pursuant to Title 31, Chapter 10 of the Rhode Island General Laws or issued elsewhere but approved by the Rhode Island Registry of Motor Vehicles or commercial driver's license with appropriate passenger endorsement shall be licensed to operate, or shall operate, a motor vehicle for hire in the Town of New Shoreham.

~~(b)~~ (c) Any taxi, limousine or bus licensee must provide the ~~commission and~~ town clerk with a current list of drivers and a photocopy of their licenses prior to a license being issued and must advise the commission and town clerk of any additions or deletions in writing or by email within ~~72~~ 24 hours.

~~(e)~~ (d) ~~No more than three persons holding valid New Shoreham chauffeur's licenses shall drive, operate or be in charge of any such taxicab in addition to the owner of the taxi license, for a total of four drivers.~~ The town clerk is hereby authorized to issue to any person who meets the criteria of ~~subsection (b) of this section~~ article and who is authorized by a taxi license holder;

~~with no more than three chauffeurs per license other than the license holder,~~ a New Shoreham chauffeur's license.

~~(d)~~ (e) The town chauffeur's license shall expire May 15 next succeeding the date of issuance.

(Ord. of 12-17-1997(2), § 8-166; Ord. of 6-19-2002, § 8-166; Ord. of 8-5-2002, § 8-166; Ord. of 8-18-2004, § 8-166; Ord. of 5-19-2010, § 8-166(d))

Sec. 8-167. - Liability insurance.

(a) The town clerk shall not issue or renew any license under this article until the applicant furnishes proof of adequate liability insurance. Each licensee is required to carry liability insurance with a minimum coverage of \$250,000.00 per occurrence for motor vehicles other than charter buses which are to carry liability insurance with a minimum coverage of \$1,000,000.00 per occurrence. The coverage shall remain in full force and effect during the term of any license issued pursuant to this article, unless the licensee notifies the commission and the town clerk, in writing, that the license is not being utilized.

(b) Each licensee shall notify the commission and the town clerk of cancellation or change in the terms of the licensee's liability insurance coverage. Notification shall take place, in writing, within 72 hours of the receipt by the licensee of notice of such cancellation or change.

(Ord. of 12-17-1997(2), § 8-167; Ord. of 7-6-1998(1), § 8-167; Ord. of 8-5-2002, § 8-167)

Sec. 8-168. - Taxicab rates.

(a) A rate card reflecting the schedule of rates approved by the council on the recommendation of the commission shall be conspicuously displayed in every taxicab for hire.

(b) Licensees under this article are prohibited from charging passengers rates different from those approved by the commission.

(c) A list of current rates shall be conspicuously posted in the town hall by the town clerk.

(d) Taxis for hire are prohibited from taking multiple fares when there are other taxis readily available.

(Ord. of 12-17-1997(2), § 8-168; Ord. of 8-5-2002, § 8-168; Ord. of 8-18-2004, § 8-168)

Sec. 8-169. - Intoxicating beverages prohibited.

(a) No licensee under this article shall operate a motor vehicle for hire while intoxicated, nor shall any licensee operate a motor vehicle for hire while carrying an open container containing an intoxicating beverage.

(b) No licensee under this article shall knowingly permit any passenger of a motor vehicle for hire to carry an open container containing an intoxicating beverage.

(Ord. of 12-17-1997(2), § 8-169; Ord. of 8-5-2002, § 8-169)

Sec. 8-170. – Suspension, fines of taxi, limousine or charter bus license.

(a) The commission or the town clerk shall have the authority to receive and the commission shall have the authority to investigate complaints lodged by members of the public or the commission against licensees under this article. When after investigation, the commission has cause to believe an infraction of this article or its regulations has taken place and that suspension of the license and/or a fine may be appropriate, the commission shall schedule a hearing within 30 days following conclusion of the investigation. At least ten days before the hearing date, the commission shall notify the licensee by mail, in writing, of the nature of the complaint, the provision of this article and/or the regulations allegedly violated, and the date and time of the hearing. At the hearing, any interested party may present testimony or evidence. At the conclusion of the hearing, the commission shall vote to sustain or dismiss the complaint, and may impose a license suspension of up to five days and/or a fine ~~such other remedy as is authorized by regulation~~. Three affirmative votes of the commission shall be necessary to sustain a complaint. The commission's decision shall be in writing and shall be mailed to the licensee.

(b) Any licensee aggrieved by a decision of the commission shall have the right to appeal to the town council. An appeal shall be made in writing within 30 days of the date receipt of the commission's written decision. The town council shall set a date and time for hearing and on the appeal, and shall notify the licensee by mail, in writing, at least ten days prior to the hearing date. At the hearing, any interested party may present testimony or evidence. At the conclusion of the hearing, the town council may vote to affirm, reverse, or modify the commission's decision. A quorum of at least three town council members must be present to hear and vote on the appeal by majority vote. In the event of a tie vote by the town council, the commission's decision shall be upheld. The decision of the town council shall be in writing and shall be mailed to the licensee. A licensee aggrieved by a decision of the town council shall have the right to appeal any such decision reviewed in the manner and to the extent provided by law.

(Ord. of 12-17-1997(2), § 8-170; Ord. of 8-5-2002, § 8-170; Ord. of 8-18-2004, § 8-170; Ord. of 2-2-2005(2), § 8-170)

Sec. 8-171. - Revocation of license; hearing.

(a) The town council, upon request of the motor vehicle for hire commission, may revoke any taxi license for any one or more of the following reasons:

i. ~~w~~When the taxi so licensed does not operate as a taxi for at least 35 40 hours per week from July 1 to Labor Day of any year. ~~upon providing the licensee proper notice and an opportunity to be heard.~~ Any taxi license holder may petition the motor vehicle for hire commission for relief under this section stating substantial cause for failure to use the license.

ii. When the operator(s) of the taxi so licensed collectively violate any provision of this article and/or the regulations on more than two occasions.

iii. When the town council determines that a taxi so licensed is being operated in a manner which is detrimental to the health, welfare and/or safety of the general public.

(b) The town council shall set a date and time for hearing and shall notify the licensee by mail, in writing, at least ten days prior to the hearing date. At the hearing, any interested party may

present testimony or evidence. At the conclusion of the hearing, the town council may vote revoke the license, may vote to impose a lesser penalty such as suspension and/or fine, or may vote to take no action. A quorum of at least three town council members must be present to hear and vote by majority vote. In the event of a tie vote by the town council, no action shall be taken. The decision of the town council shall be in writing and shall be mailed to the licensee. A licensee aggrieved by a decision of the town council shall have the right to appeal any such decision in the manner and to the extent provided by law.

~~(b)~~ (c) If a person has permanently lost ~~their~~ his/her Rhode Island chauffeur's license or commercial driver's license for any criminal activity, it will result in permanent loss of a New Shoreham taxi, limousine or charter bus license.

(Ord. of 1-19-2000, § 8-171; Ord. of 8-5-2002, § 8-171; Ord. of 8-18-2004, § 8-171)

Sec. 8-172. - Penalties for violation.

In addition to the provisions in this article and the regulations regarding suspension and revocation of license, ~~Any person found guilty of violating any section provision of this article and/or the regulations shall be liable for a fine of \$200.00, \$500.00 or imprisonment for a period of ten days.~~ finer in accordance with the amounts established by the regulations. Each day of such violation shall constitute a separate offense.

(Ord. of 12-17-1997(2), § 8-172; Ord. of 8-5-2002, § 8-172)

Secs. 8-173—8-199. - Reserved.

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<https://www.youtube.com/channel/UCmvoSBIQ0bsFRg1kxPgNVCA>

Two ways to comment:

1. Send your comments and questions 24 hours before the meeting to townclerk@new-shoreham.com. They will be printed out and distributed to the Town Council. The Council will be able to take time to read them before the meeting.
2. Register to comment by phone during the meeting by emailing the number of the phone you'll be using, your name, and the organization (if any) you are representing to townclerk@new-shoreham.com 24 hours before the meeting. Instructions will be emailed back.

Individuals requesting interpreter services for the deaf and hard of hearing must call (401) 466-3200 forty-eight hours in advance of the meeting date. TTY: 711. Posted 6/21/2020 FF

