



**APRIL 3, 2017
MONDAY
7:00 P.M.**

**AGENDA
REGULAR COUNCIL MEETING
City Council Chambers, 2nd Floor
265 Main Street-Old Town, Maine**

- I. CALL TO ORDER (Please turn off or silent cell phones)**
- II. FLAG SALUTE**
- III. ROLL CALL**
- IV. Approval of the Minutes of the March 6, 2017 Regular Council Meeting and the March 20, 2017 Special Council Meeting.**
- V. PETITIONS, COMMUNICATIONS AND CITIZENS' REQUESTS**
- VI. REPORTS**
 - A. Council President**
 - B. Standing Committees (Finance, Public, Administrative & Economic Services; Landfill, Legislative, Sewer, Airport & Housing sub-committees)**
 - C. City Councilors**
 - D. City Attorney**
 - E. Special Committees**
 - F. City Manager**
- VII. CONSENT AGENDA (New Business items 1, 2, & 3)**

Suggested motion: Resolved, the Old Town City Council hereby approves the Suggested motions under New Business items 1, 2, & 3 as presented.

(Councilor Peterson)

VIII. PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

SECOND READINGS

1. The City Council will conduct a Second Reading on a proposal to amend Chapter 20, Vehicles for Hire by replacing it in its entirety with a new Chapter 20, Vehicles for Hire.
- 1a. The City Council will consider final approval on a proposal to amend Chapter 20, Vehicles for Hire.

Suggested motion: Resolved, the Old Town City Council hereby schedules a Second Reading for final approval on a proposal to amend Chapter 20, Vehicles for Hire by replacing it in its entirety with a new Chapter 20, Vehicles for Hire as presented in Attachment #1.

(Councilor Roach)

(Roll Call Vote)

IX. OLD BUSINESS

X. NEW BUSINESS

1. The City Council will consider approval to accept monies from the State of Maine in the case against the State of Maine vs. Josue Colon in the amount of \$3,009 which is 85% of the initial amount of \$3540, based on the grounds that the Old Town Police department made a substantial contribution to the investigation of this criminal case. The Penobscot County District Attorney's office will receive the other 15%

Suggested motion: Resolved, the Old Town City Council hereby approves to accept \$3,009 from the State of Maine vs. Josue Colon based on the grounds that the Old Town Police department made a substantial contribution to the investigation of this criminal case.

2. The City Council will consider accepting a proposal for additional security cameras in the Public Safety Building.

Suggested motion: Resolved, the Old Town City Council hereby accepts the proposal from Northstar Protection, LLC in the amount of \$4,170.00 for additional security cameras in the Public Safety Building as recommended by the Finance Committee.

3. The City Council will consider entering into a Municipal Partnership Agreement with the State of Maine regarding the Mill and Fill project for Main and Brunswick Streets and Gilman Falls Avenue. The total cost of the projects is \$375,383 with the city's share of 50% being \$187,691.50. This will be spent in the 2017-2018 Budget.

Suggested motion: Resolved, the Old Town City Council hereby approves entering into a Municipal Partnership Agreement with the State of Maine regarding the Mill and Fill project for Main and Brunswick Streets and Gilman Falls Avenue. The total cost of the projects is \$375,383 with the city's share of 50% being \$187,691.50 as recommended by the Finance Committee.

4. The City Council will consider accepting property at 159 Perkins Avenue and a closing concession in the amount of \$10,000 from Wells Fargo Bank. Property is located on the Assessor's Tax Map 21, Lot 174.

Suggested motion: Resolved, the Old Town City Council hereby approves accepting property at 159 Perkins Avenue and a closing concession in the amount of \$10,000 from Wells Fargo Bank.

(Councilor Klitch)

5. The City Council will consider going into Executive Session for the purpose of discussing a Personnel matter.

Suggested motion: Resolved, the Old Town City Council hereby approves going into Executive Session pursuant to MRSA Title 405, Section (6)(A) for the purpose of discussing a Personnel matter.

(Councilor May)

XI. ADJOURNMENT



REGULAR COUNCIL MEETING – MARCH 6, 2017

Council convened March 6, 2017 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President David Mahan, Janet Klitch, Carol May, Linda McLeod, Eric Roach arrived at 7:04 p.m. and Stan Peterson. John Nuttall absent

Administration present: Bill Mayo, Erik Stumpfel, Patty Brochu, Lance Farrar, Steve O'Malley, John Rouleau, Travis Roy and David Russell.

Others present: three citizens in the audience and news media.

Council President Mahan called the meeting to order at 7:00 p.m.

Councilor Klitch, seconded by Councilor Peterson, moved to approve the Minutes of the February 6, 2017 Regular Council Meetings. Approved all in favor, 5-0.

REPORTS

President Mahan reported the Annual Food Drive collected \$900 in cash and 3 truckloads of food. He thanked all those who were there to collect at Hannaford on Saturday.

Manager Mayo: Reported he will be attending several meetings: 1) Safety Works in Augusta; Developers of Jefferson Street School; Forestry Initiative regarding the mill; He will be testifying before the Environmental and Natural Resources Conservation Committee on the CDC Landfill.

PUBLIC HEARINGS

The City Council conducted a Public Hearing on a new application for a Malt & Vinous Liquor License for Ventura, LLC, d/b/a The Hub, 277 Main Street.

The City Clerk reported the inspections were approved.

The City Council considered approval of a new application for a Liquor License for the Hub.

Councilor Roach, seconded by Councilor May, Resolved, the Old Town City Council hereby approves a new application for a Malt & Vinous Liquor License for Ventura, LLC, d/b/a The Hub, 277 Main Street. Approved all in favor, 6-0.

The City Council conducted a Public hearing a proposed designation of certain Downtown Municipal Development and Tax Increment Financing District and a related

Omnibus Development Program. The Downtown TIF Districts will be comprised of approximately 82 acres in downtown Old Town as designated in the Omnibus Development Program.

Economic Director Ron Harriman explained this was one of the top recommendations that came out of the Downtown Revitalization Plan. He said they calculated projections of an increase of 2% of assessed value every 3 years over the 30 year program. The additional benefit for Old Town over 30 years is over 1.5 million dollars. The Downtown TIF District includes approximately 80 acres. Director Harriman also explained the possible uses for the TIF funds.

There being no further comments, President Mahan closed the hearing.

The City Council conducted a Public Hearing on a proposal to amend Chapter 20, Vehicles for Hire by replacing it in its entirety with a new Chapter 20, Vehicles for Hire.

Police Chief Scott Wilcox explained the reason for updating is to stay in line with Bangor's Taxi Ordinance so that everyone is on the same page.

Cab owner Marty Millett asked about several items regarding the inspections, rates and suspensions. Chief Wilcox said he would look into his concerns and make changes before the final approval. He also added that he will schedule a meeting with the Taxi Companies and go over the whole ordinance before the April meeting for final approval.

The City Council considered scheduling a Second Reading for final approval on a proposal to amend Chapter 20, Vehicles for Hire.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby schedules a Second Reading for final approval for April 3, 2017 on a proposal to amend Chapter 20, Vehicles for Hire by replacing it in its entirety with a new Chapter 20, Vehicles for Hire. **Approved all in favor, 6-0.**

NEW BUSINESS

The City Council considered approval of a renewal application for a Malt Liquor License for Clark Cardimino, d/b/a Old Town Bowling Center, 156 Center Street.

Councilor McLeod, seconded by Councilor May, Resolved, the Old Town City Council hereby approves a renewal application for a Malt Liquor License for Clark Cardimino, d/b/a Old Town Bowling Center, 156 Center Street. **Approved all in favor, 6-0.**

The City Council considered approval to amend the City Clerk Fees by increasing the Taxi License fees from \$20.00 per year to \$65.00 per year for a new application and \$40.00 per year for renewals.

Councilor Peterson, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves amending the City Clerk Fees by increasing the Taxi License fees from \$20.00 per year to \$65.00 per year for a new application and \$40.00 per year for renewals as recommended by the Finance Committee. Approved all in favor, 6-0.

The City Council considered approving an Order providing for the Designation of Downtown Municipal Development and TIF District and adoption of related Second Omnibus Development Program.

Councilor Peterson, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves an Order providing for the Designation of Downtown Municipal Development and Tax Increment Financing District and adoption of related Second Omnibus Development Program and includes Broadband Internet. Approved all in favor, 6-0.

The City Council considered going into Executive Session for the purpose of discussing a Personnel matter.

Councilor May, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby approves going into Executive Session at 7:31 p.m. pursuant to MRSA Title 405, Section (6)(A) for the purpose of discussing a Personnel matter. Approved all in favor, 6-0.

Councilor Klitch, seconded by Councilor McLeod, moved to come out of Executive Session at 8:21 p.m. Approved all in favor, 6-0.

Councilor McLeod, seconded by Councilor May, moved to adjourn at 8:21 p.m. Approved all in favor, 6-0.

Adjourned,

Patricia A. Brochu, CMC
City Clerk-Old Town, ME



SPECIAL COUNCIL MEETING – MARCH 20, 2017

Council convened March 20, 2017 in the Old Town City Council Chambers at 265 Main Street.

Councilors present: President David Mahan, Jan Klitch, Carol May, Linda McLeod, John Nuttall and Eric Roach. Councilor Peterson absent.

Administration present: Bill Mayo, Erik Stumpf, Shannon Meister, Steve O’Malley, John Rouleau, Travis Roy, David Russell, David Smith and Scott Wilcox.

Others present: 6 citizens in the audience.

Council President Mahan called the meeting to order at 7:47 p.m.

REPORTS

Council President Mahan: Presented a gift card and thanked Attorney Eric Stumpf, as he retires, for his many years of service.

Councilor Klitch: reported she is Council Representative for Housing Authority, and was quite impressed at the meeting she attended. Councilor Klitch also stated she had a concern regarding the City’s liability for the burnt out house on Oak Street. Dave Russell and John Rouleau stated that there has been interest in demolition and clean-up of this property.

City Manager: 1) Reported the advertisement for the Finance Director position has been closed and there were 14 candidates. Interviews will begin March 29 & 30th; 2) He reported he was contacted by Wells Fargo regarding property at 159 Perkins Avenue stating they will pay the City \$10,000 to take the property; 3) There will be a Manager Interchange meeting Friday in Bangor regarding the marijuana topic; 4) Police Chief Scott Wilcox introduced Officer Ryan Bailey stating he has earned his Sergeant’s Badge and wants to acknowledge the accomplishments of all his officers. Officer Bailey’s father had the honor of pinning the Badge. Citizen Tim Caliandro honored Sergeant Bailey by presenting two medals he received during his military service as a Green Beret describing the significance of the medals.

NEW BUSINESS

The City Council considered accepting an after deadline redemption on foreclosed property for Andrew & Charlotte Fitzgerald, located at 2074 Bennoch Road for payment of 2014 through 2017 Real Estate Taxed in the total amount of \$10,819.80.

Councilor May, seconded by Councilor Klitch, Resolved, the Old Town City Council hereby accepts an after deadline redemption on foreclosed property for Andrew & Charlotte Fitzgerald, located at 2074 Bennoch Road for payment of 2014 through 2017 RE taxes in the amount of \$10,669.80 plus \$150 Late Redemption fee for a total amount of \$10,819.80 which includes interest and lien costs and further authorize the City Manager to execute a Municipal Quit-Claim Deed. *Approved all in favor, 6-0.*

The City Council considered supporting legislation being presented to Congress on the Dewitt Field Airport in Old Town.

Councilor Roach, seconded by Councilor McLeod, Resolved, the Old Town City Council hereby endorses the bill being presented by Representative Poliquin and companion legislation presented by Senator Collins to remove restrictions on airport property in Old Town that will allow business development on the site. *Approved all in favor, 6-0.*

Councilor Klitch, seconded by Councilor Nuttall, moved to adjourn at 8:18 p.m. *Approved all in favor, 6-0.*

Adjourned,

Shannon M. Meister, CCM
Deputy Clerk-Old Town, ME

Chapter 20

TAXICABS AND LIVERY VEHICLES

GENERAL REFERENCES

Cross reference: Traffic, Ch. 19 parking of buses, taxi cabs §§ 19-363, 19-364

Fees — See Ch. 10-4.3

§ 20-1 Definitions.

For the purposes of this chapter, the following terms are to be deemed and construed to have the meanings indicated in this section:

BUS — An unmetered commercial passenger vehicle which carries more than 15 persons, including the driver, and operates on a fixed route for a fare.

BUSINESS LICENSE YEAR — The period of time commencing on the 16th day of May of one year and expiring on the 15th day of May of the following year.

CITY — The City of Old Town.

CITY COUNCIL — The City Council of the City of Old Town as established by Article II of the Charter of the City of Old Town.

COURTESY VEHICLE — A commercial vehicle service that carries passengers over a short distance to or from a fixed destination (e.g., the airport) at no charge to the customer.

DISPATCH CENTER — Any person, firm, association, partnership or corporation that provides dispatching services, including any form of electronic dispatch, to owners of taxicabs or liveries, in the City of Old Town.

DRIVER — Any person who is engaged in the driving of a taxicab or livery for hire.

EMPLOYED BY or EMPLOYEE — Includes, but is not limited to, any employee, independent contractor, lessee or person permitted to drive a taxicab or livery of the business licensee.

FOR HIRE — The transportation of passengers for compensation.

LIMOUSINE — Any unmetered luxury vehicle designed to carry no less than five and not more than 14 passengers behind the driver's seat which is of a type built or modified for use as a luxury "stretch limousine" and is used for the transportation of passengers for-hire, solely by prearrangement, on a reserved hourly or flat rate basis.

LIVERY — A motor vehicle used for the transportation of passengers for hire, having the following characteristics:

- A. A seating capacity of at least three and no more than 15 passengers behind the driver's seat;
- B. Hired by means of a request or contract arranged in advance of the time transportation is needed;
- C. Charge is by flat fee or by the minute;
- D. A price estimate is provided to the customer in advance of pickup; and

E. Does not operate on a fixed route.

OPERATE — The act of driving, attempting to drive, or exercising control over a vehicle.

OWNER — The person, firm, association, partnership or corporation to whom or to which a taxicab or livery business license has been issued.

TAXICAB — A motor vehicle used for the transportation of passengers for hire, having the following characteristics:

- A. A seating capacity of nine passengers or fewer, including the driver;
- B. Operated on call and demand;
- C. Operated without fixed routes or termini;
- D. The destination and route of which are under the control of the passenger or passengers being carried therein; and
- E. The fares for which are at rates per mile, or fraction thereof, or wait time, or both.

TAXIMETER — A mechanical instrument or device by which the fare for hire of the taxicab is automatically calculated, either for distance traveled or waiting time or both, and plainly and accurately indicated in figures that are illuminated and clearly visible to the passenger.

§ 20-2. Applicability.

- A. The provisions of this chapter shall apply to taxicabs and liveries which operate within Old Town City limits.
- B. The following vehicles are exempt from the provisions of this chapter except as otherwise indicated herein.
 - (1) Limousines.
 - (2) Buses.
 - (3) Courtesy vehicles.
 - (4) Livery operators which hold a current interstate operating authority from the Federal Motor Carrier Safety Administration and the liveries covered by such interstate operating authority.
 - (5) Vehicles used solely in connection with transportation for funerals.
 - (6) Vehicles being used to conduct prearranged rides on behalf of a transportation network company by a transportation network company driver, as defined in 24-A M.R.S.A. § 7302.
- C. No livery or limousine shall operate as a taxicab nor accept passengers on a "hail" or walk-up basis.

§ 20-3. Permitted for-hire vehicles.

No person shall operate or cause to be operated any vehicle transporting passengers for hire unless the person is operating a licensed taxicab or livery, or a vehicle qualifying as exempt under § 20-2B.

§ 20-4. Licenses required.

- A. It shall be unlawful for any person to operate or cause to be operated in the City of Old Town any taxicab or livery unless such taxicab or livery is covered by a business license provided for by § 20-5 of this chapter; provided, nevertheless, that it shall not be deemed to be the operation of a taxicab or livery or the causing of a taxicab or livery to be operated within the meaning of this chapter if an owner licensed to operate a taxicab or livery in any municipality which grants the same rights as are granted herein to taxicabs and liveries licensed in the City of Old Town shall, upon previous call therefor, take a passenger or passengers from Old Town to the city in which such taxicab or livery is licensed or to Old Town from the city in which such taxicab or livery is licensed.
- B. Business license. Each taxicab or livery business, whether an individual, corporation, d/b/a, limited liability corporation, partnership, or other legal entity, shall obtain a taxicab or livery license from the City Clerk's office prior to permitting the operation of any taxicab or livery vehicles in the City. A taxicab or livery business license shall be obtained which covers all vehicles which will be used under the license. There shall be a fee for each vehicle listed on the business license in accordance with Chapter 10-4.3 of this Code. Only those vehicles listed on the business license may be used by the licensee as a taxicab or livery in the City. Vehicles can only be used for one purpose, i.e., either a taxicab or livery, and can only be listed on one license, either a taxicab business license or a livery business license.
- C. Driver's license. No person shall operate a taxicab or livery, whether or not carrying passengers, within the City unless such taxicab or livery is covered by a taxicab or livery business license and the driver thereof is currently licensed by the City to operate a taxicab or livery; except, when a taxicab or livery is clearly marked on at least one door per side of the vehicle with a magnetic "out of service" sign with letters no less than 2.5 inches in height, an unlicensed driver may operate the taxicab or livery for the following purposes:
- (1) A mechanic operating the vehicle for the purpose of diagnosing a problem or testing to assure that a mechanical issue is resolved.
 - (2) Any individual operating the vehicle for the purpose of moving it between locations while not in operation as a taxicab or livery.
- D. Licenses nontransferable. Licenses issued hereunder are nontransferable.

§ 20-5. Taxicab or livery business license.

- A. A taxicab or livery business license shall be issued upon compliance with the following:
- (1) Applicants shall obtain and complete application forms from the City Clerk's office.
 - (2) Every application shall be signed and verified by each of the principal officers of the applicant if the applicant is a corporation, and in all other cases by all persons

having an actual ownership interest in the applicant. All applications shall state the name, address, and phone number of every person having management authority in the business of the applicant.

- (3) Applicants shall provide a comprehensive list including the make, model, passenger capacity, year, vehicle identification number (VIN), taxicab or livery identification number and license plate number of each vehicle which is to be covered by the taxicab or livery business license.
 - (4) Applicants for a taxicab business license shall obtain from the Sealer of Weights and Measures, at their own cost, a written statement that the taximeter installed in each taxicab for which the taxicab business license is sought complies with the requirements of Subsection B, below.
 - (5) Applicants shall obtain from the Chief of Police, or his or her designee, a written statement that an inspection has been made of each taxicab or livery for which the taxicab or livery business license is sought and each taxicab or livery has been found to be safe and suitable for taxicab or livery service in accordance with Subsection D, below.
 - (6) Applicants shall submit to the City Clerk the applicable items listed in Subsection A(1) through (5) above, the nonrefundable annual fee for a taxicab or livery business license as provided for in § 20-4B, a valid State of Maine motor vehicle registration certificate for each vehicle listed in Subsection A(3), and certificate(s) of insurance from a reputable insurance agency stating that the vehicles for which the taxicab or livery business license is sought are insured in accordance with Subsection E, below, and listing the City of Old Town as an additional insured.
 - (7) A person or business may obtain both a livery and taxicab business license, but there must be a separate application form and fee for each such license. A vehicle may not be licensed nor used as both a taxicab and a livery.
- B. Taximeters. Every taxicab shall be equipped with a taximeter tested, approved and sealed by the Sealer of Weights and Measures which accurately calculates no more than the maximum rates of fare hereinafter set forth and mileage by means of clear and distinct figures which are electronically illuminated during the period between sunset and sunrise, and which clearly indicates the type of fare being charged, mileage and/or time. The taximeter shall be placed so that the figures are in plain view of all passengers. The taximeter shall be permanently affixed to the taxicab and sealed by the Sealer of Weights and Measures. It shall be the responsibility of the owner to submit his or her taxicab or taxicabs for inspection to the Sealer of Weights and Measures. If, upon inspection of the taximeter, the Sealer of Weights and Measures determines that the taximeter meets the requirements of this section, he or she shall issue a statement stating that the taximeter complies with the requirements of this section.
- C. Updates. It is the responsibility of the applicant to update, in the City Clerk's office, the list of vehicles covered by the taxicab or livery business license throughout the year if any vehicles are removed from or added to the taxicab or livery business fleet. A fee will be charged for each vehicle added in accordance with Chapter 10-4.3 of this Code. The City Clerk must be notified of a vehicle being added to the fleet within 15 days of completing the taxicab or livery inspection, and before the vehicle is put in service. It is also the responsibility of the applicant to update, in the City Clerk's office, the list of licensed

drivers operating their taxicabs or liveries throughout the year if drivers are hired or no longer employed by the taxicab or livery business licensee; notification must be provided within 15 days of the driver being hired or employment terminating and before the driver begins operating a taxicab or livery, and must include the driver's current address and telephone number. Failure to update the list shall result in the automatic suspension of the taxicab or livery business license until the list is updated and a reinstatement fee as set out in Chapter 10-5.12 of this Code is paid.

D. Inspection of taxicabs and livery.

- (1) Frequency. The Chief of Police, or his or her authorized agent, shall have the authority to inspect, or cause to be inspected, any and all taxicabs and liveries so as to ensure that any taxicab or livery is safe and suitable for taxicab or livery service as follows (in situations when the inspection officer is not available a seven-day permit can be issued by the Chief of Police or his or her authorized agent. The permit may be extended beyond the seven days on a case by case bases determined by the Chief of Police):
 - (a) Prior to issuance of any new taxicab or livery business license;
 - (b) Once each calendar year prior to the renewal of any existing taxicab or livery business license;
 - (c) Prior to adding a taxicab or livery to a taxicab or livery business license; and
 - (d) At any other time, at the discretion of the Chief of Police or his or her authorized agent.
- (2) Scope. During any taxicab or livery inspection, the Chief of Police or his or her authorized agent shall inspect each taxicab or livery and find that such vehicle:
 - (a) Has a valid State of Maine motor vehicle registration certificate?
 - (b) Has a valid State of Maine inspection sticker placed on the windshield in accordance with state law issued the same month or the month immediately preceding the inspection by the Chief of Police, or his or her designee.
 - (c) In the case of a taxicab, is equipped with a sealed taximeter placed in accordance with Subsection B of this section.
 - (d) Meets the identifying lights and identifying markings requirements of § 20-8 of this chapter.
 - (e) In the case of a taxicab, meets the fare markings requirements of § 20-9 of this chapter.
 - (f) Has a "No Smoking" sign clearly visible on all passenger windows inside the taxicab or livery.
 - (g) Is in a clean and sanitary condition, inside and out, with no unsightly soil spots.
 - (h) In all other respects is safe and suitable for taxicab or livery service.
 - (i) Complies with the following standards:
 - [1] No dents larger than six inches in diameter.
 - [2] No missing or hanging mirrors, trim or body work.

- [3] No cracks in the windshield or windows.
- [4] No missing hubcaps.
- [5] No visible primer paint.
- [6] All original and replacement parts and components of the vehicle are similar in appearance and are of the same color or design.
- [7] No rust greater than one inch in diameter.
- [8] No loose trash or large amounts of dirt or sand in the interior passenger area, whether or not the area is currently occupied by a passenger.
- [9] No visible tears in carpeting or seat upholstery.
- [10] No unpleasant odors or strong fragrances inside.
- [11] Seat belts for all passenger seats visible and in working order.
- [12] Two operating doors affording direct entrance and exit to and from the passenger compartment.

(j) A taxicab or livery shall at all times be maintained in compliance with the laws of the State of Maine relating to passenger vehicles and the rules and regulations of the State Commissioner of Transportation enacted pursuant thereto.

(3) The City Clerk shall issue a nontransferable Old Town taxicab or Old Town livery inspection sticker to each taxicab or livery inspected under this section, valid for one year from the date of issue, unless the vehicle is added to a taxicab or livery business license after the initial date of issuance of said license, in which case the vehicle inspection sticker will expire upon expiration of the taxicab or livery business license. All taxicabs and liveries operating in the City of Old Town shall display said stickers in accordance with § 20-8.

- E. Insurance. Each taxicab or livery shall be insured for the period over which the taxicab or livery business license is to remain in force, insuring persons and property from liability for injuries and damages resulting from the use and operation of such taxicab or livery. Such insurance policy or coverage shall be issued in an amount or amounts sufficient to meet state law requirements.
- F. Termination and expiration of taxicab or livery business license. Unless revoked or suspended under § 20-15 or 20-16 of this chapter, each taxicab and livery business license shall expire on the 15th day of May next after the date of issuance; provided, however, that any new application filed between May 1 and May 15 and approved shall be valid until May 15 of the following year.
- G. It shall be a violation of this chapter for any taxicab or livery business, or the owner thereof, to allow any person not holding a valid City of Old Town taxicab or livery driver's license to operate a taxicab or livery licensed as part of their fleet, unless under the conditions specified in § 20-4C.

§ 20-6. Driver and vehicle lists.

- A Every dispatch center shall, on the first day of January and July of each year, file with the City Clerk a current list of all taxicab and livery companies and owners for whom the dispatch center provides dispatching services.
- B Every taxicab or livery company or owner shall, on the first day of January and July of each year, file with the City Clerk a current list of its taxicab and livery drivers.
- C Every taxicab or livery company or owner shall, on the first day of January and July of each year, file with the City Clerk a current list of its taxicabs or liveries, including the make, model, passenger capacity, year, vehicle identification number (VIN), taxicab or livery identification number as required by § 20-8D and license plate number of each vehicle which is covered by the taxicab or livery business license.

§ 20-7. Taxicab or livery driver's license.

It shall be unlawful for any person to operate any taxicab or livery for hire without first obtaining a taxicab or livery driver's license.

- A Fees. If a person has not previously held a City of Old Town taxicab or livery driver's license or if a person is renewing an existing license after the 15th of the month in which such license shall expire, the nonrefundable new/late licensing fee shall be as set forth in Chapter 10-4.3 of this Code. Any person renewing an existing taxicab or livery driver's license between the first and 15th of the month in which such license shall expire shall be charged a nonrefundable renewal fee as set forth in Chapter 10-4.3 of this Code. All taxicab or livery driver's licenses shall expire annually on May 15th. Any license renewed more than three months after its expiration will be treated as a first-time license.
- B Termination and expiration of taxicab or livery driver's license. Unless revoked or suspended under § 20-15 or 20-16 of this chapter, each taxicab and livery driver's license shall expire on the 15th day of May next after the date of issuance; provided, however, that any new application filed between May 1 and May 15 and approved shall be valid until May 15 of the following year.
- C Application and issuance
 - (1) An application for a taxicab or livery driver's license shall be made upon forms furnished by the City Clerk and shall be signed in front of the City Clerk by the applicant. The application shall require the applicant to set out the following information:
 - (a) That the applicant is 18 years of age or older.
 - (b) That the applicant has held a valid driver's license for more than two years.
 - (c) Current contact information, including home and work address, and home, work and cell telephone numbers, and e-mail address if available.
 - (d) Maine driver's license number.
 - (e) List of all states in which the applicant has resided over the past seven years.
 - (f) List of all criminal convictions from any and all jurisdictions, not including convictions for crimes committed as a juvenile.

- (g) Whether any driver's license held by the applicant is presently revoked or has been revoked during the three years preceding the application and the reasons for such revocation(s).
 - (h) The applicant's signature certifying that all information provided is complete and accurate and that the applicant understands the taxicab and livery driver rules.
Any other information requested by the City Clerk, Chief of Police, or City Council.
 - (i) Council.
- (2) Before such license shall be issued by the City Clerk, the application must be approved by the Chief of Police, or his or her designee, and the applicant must:
- (a) Present a valid State of Maine driver's license;
 - (b) Demonstrate to the City Clerk that he or she can read, write and speak the English language;
 - (c) Present the taxicab or livery driver's license to be renewed, if renewal is sought;
 - (d) Pay the nonrefundable annual fee for a taxicab driver's license as required under § 20-7A above;
 - (e) In the case of a new application, have his or her photograph taken at a place, time and date designated by the Chief of Police, or his or her designee, for City photo identification to be displayed as provided in Subsection D, below. In the case of a renewal application, the applicant must present his/her City photo identification;
 - (f) Demonstrate to the Chief of Police, or his or her designee, that the applicant is competent to operate a motor vehicle safely and in accordance with all applicable traffic laws and ordinances. In determining whether the applicant is competent to operate a motor vehicle safely and in accordance with law, the Chief of Police, or his or her designee, shall consider factors including but not limited to whether the applicant has any of the following:
 - [1] Three or more convictions for motor vehicle violations within the past three years.
 - [2] One or more major moving violations within the past three years, including but not limited to attempting to evade the police, reckless driving or driving on a suspended or revoked license;
 - (g) Satisfy the Chief of Police, or his or her designee, that the applicant is at present of such good moral character that the applicant can be trusted with the safe care and custody of taxicab passengers. In determining whether the applicant is of "good moral character," the Chief of Police, or his or her designee, shall consider factors, including, but not limited to, the following:
 - [1] Whether the applicant has been convicted at any time of murder, manslaughter, or a Class A, B, or C crime against a person;

- [2] Whether the applicant has been convicted within the past seven years of operating under the influence of drugs or alcohol, fraud, a sexual offense, use of a motor vehicle to commit a felony, a crime involving property damage or theft, an act of violence or an act of terror, a drug-related crime, criminal threatening, or harassment; and
 - [3] Whether the applicant made any false statement or omission on the application or in the course of the application process;
 - (h) No license will be issued until the results of the State Bureau of Investigation (SBI) criminal background check are received and found to be acceptable by the Chief of Police, or his or her designee;
 - (i) Have no outstanding warrants of arrest in Maine or any other jurisdiction; and
 - (j) Not be a convicted sex offender who is required to register as a sex offender within the State of Maine or is on the national sex offender registry.
- (3) Failure to meet any of the requirements in Subsection B(2)(a) through (j) shall be grounds for denial of a taxicab or livery driver's license.
- D. Identification tag. Upon the issuance of the taxicab or livery driver's license, the Chief of Police, or his or her designee, shall also deliver to the licensee an identification tag containing the applicant's photograph. The identification tag shall be placed in a manner that is visible for both front and rear passengers at all times while operating a taxicab within the City of Old Town. Failure to display the identification tag in a conspicuous place at all times constitutes ground for licenserevocation.
- E. Expiration of taxicab or livery driver's license. Unless suspended or revoked under this chapter, all taxicab and livery driver's licenses shall expire annually on May 15th. Any license renewed more than three months after its expiration will be treated as a first-time license.
- F. Record of denial. The City Clerk shall make and keep a written record of every decision to deny an application for a taxicab driver's license. Records of denial shall be kept for three years from the date of denial.

§ 20-8. Identification of taxicabs and liveries.

- A. Name and logo. Every taxicab and livery shall have the name of the owner or the owner's dispatch center or trade name and, in the case of a taxicab, the word "taxicab" or "taxi" or "cab," or, in the case of a livery, the word "livery" permanently placed on the exterior of one door on each side of the vehicle, or, in the case of livery said doors or each rear fender of the vehicle, in letters at least two inches high. In lieu, thereof, a logo or monogram, approved by the Chief of Police, or his or her designee, containing the same information and being not less than eight inches in diameter, shall be permanently placed on one door on each side of the taxicab or livery.
- B. Lights. In addition to the outside lights required by law, all taxicabs shall be equipped with an identifying light attached to the top of each taxicab. Such identifying light shall be

constructed in one unit consisting of an illuminated plate or cylinder upon which is printed the word "taxicab" or "taxi" or "cab" or the name of the taxicab business. The overall dimensions of such identity light shall not exceed eight inches in height and 23 inches in length. Other than the outside lights required by law, a livery vehicle is prohibited from having an exterior light.

- C. Identification sticker. Every taxicab or livery inspected to operate in the City of Old Town shall display a valid Old Town taxicab or livery sticker on the front windshield adjacent to the state inspection sticker.
- D. Identification number. Every taxicab or livery licensed to operate in the City of Old Town shall display their taxicab or livery identification number, on the rear of the vehicle and on the exterior by the door handles in letters and numbers at least two inches high. Identification numbers must be in numerical order starting with "1" and must be filed and updated with the City Clerk.
- E. Taxicab contact number. Every taxicab licensed to operate in the City of Old Town shall display a telephone number for the taxicab business or dispatch center on the rear and each side of the vehicle in numbers at least two inches high.
- F. Notice to the public. Every taxicab and livery shall display a card, provided by the City Clerk's office, in clear view of all passengers, in the passenger compartment, illuminated between the hours of sunset and sunrise, displaying the following rules and information:
 - (1) For taxicabs, only, maximum fare schedule;
 - (2) Smoking is prohibited in any taxicab or livery vehicle and failure to comply will result in a fine;
 - (3) Taxicab or livery identification number; and
 - (4) Contact information passengers can use for reporting any violations or misconduct observed during taxicab or livery transportation.

§ 20-9. Taxicab rates of fare.

- A. Fares to be collected from any taxicab passenger or passengers shall be no greater than that shown on the taximeter, and no owner or driver shall charge rates to such passenger or passengers for taxicab services within the limits of the City of Old Town greater than the following:
 - (1) For the first 1/6 of a mile or fraction thereof: \$2.50.
 - (2) For each 1/6 of a mile or fraction thereafter: \$0.35.
- B. Provided, however, that in addition to the rates of fare permitted under Subsection A (1) and (2) above, a fare of not more than \$0.35 per minute may be charged in the event that any taxicab is forced, by reason of traffic conditions or other circumstances beyond the driver's control, to travel at a speed of less than 10 miles per hour for a continuous period of more than two minutes.
- C. All taxicabs operated under a license granted by the City of Old Town must display the notice to the public card provided by the City of Old Town, which sets forth the maximum rates

permitted under this chapter, as outlined in § 20-8. Maximum rates, including for the initial 1/6 mile, for each additional 1/6 mile, and for wait time, shall also be permanently placed on the exterior of one door or fender on each side of the taxicab in letters at least one inch high.

- D. Additional passengers. If there is more than one passenger having the same origin and destination, each passenger may be charged not more than an equal proportionate part of the charges shown on the taximeter. At the option of the owner of such taxicab, an additional charge of not more than \$0.25 may be made for each additional passenger having the same origin and destination as the first passenger. If there is more than one passenger and the destinations are different, each passenger may be charged not more than his or her equal proportionate part of the difference between the amount then shown on the taximeter and the amount shown by the taximeter at the next preceding stop.
- E. Waiting time. If the taxicab waits for the passenger after the taxicab has arrived at the place of origin, at the expiration of five minutes after such taxicab has arrived or after being requested to wait by the passenger, whichever comes sooner, the passenger may be charged not more than a maximum rate of \$21 per hour, or any such fraction thereof, as the actual waiting time bears to one hour. No charge shall be made for waiting time in advance of the time at which the taxicab is required in the request for the taxicab service, nor for the delay due to the inefficiency of the taxicab or its operation, nor for mileage or time other than proceeding in the most direct way to the destination.
- F. Hand luggage. Hand luggage shall be carried free of charge.
- G. Surcharge. The Old Town City Council may, by order, authorize the levy of a surcharge per trip in addition to the fare authorized by this section where it determines that such surcharge is warranted by conditions beyond the control of taxicab drivers and companies and where such conditions affect the cost of providing taxicab services.
- H. No taxicab or livery driver shall engage in barter with a passenger in lieu of the arranged compensation.

§ 20-10. Record of daily trips.

The owner or licensed operator of a taxicab or livery shall keep daily records (also known as dispatch sheets) of all trips made by such vehicle, with the beginning, end time and place of each trip. Such records, upon demand, shall be open to inspection by the City Clerk or any police officer. Said records shall be kept for a period of one year.

§ 20-11. Taxi stands; soliciting passengers.

- A. Taxi stands. The Chief of Police, or his or her designee, by and with the consent of the City Manager, is hereby empowered to assign, to each and every licensed taxicab owner, suitable taxi stand space on public streets and ways.
- B. Passenger soliciting. No driver of a taxicab shall solicit any passenger or passengers within 50 feet of an established taxicab stand except while parked in said stand.

§ 20-12. Conduct of taxicab and livery drivers.

To facilitate the safe, orderly and professional provision of taxicab and livery services, taxicab and livery drivers are required to follow these guidelines:

- A. Cell phones. Taxicab and livery drivers shall not use their cell phone while transporting a passenger unless it is an emergency or to receive calls from dispatch or customers.
- B. Appearance. Every taxicab or livery driver operating a taxicab or livery that is in service shall be suitably and professionally dressed, and neat and clean in appearance. No clothing which is ripped or torn or has a large or unsightly stain is permitted. Gym or workout shorts or pajama pants are not permitted. Footwear must be closed-toe and clean.
- C. Personal hygiene: Taxicab and livery drivers will maintain good personal hygiene.

§ 20-13. No smoking.

No person, including but not limited to taxicab and livery operators, owners and passengers, may smoke in a taxicab or livery at any time, including times when there are no passengers in the vehicle or when the vehicle is not in operation as a taxicab or livery.

§ 20-14. Display of licenses.

A copy of the taxicab or livery business license issued for a taxicab or livery must be kept inside the vehicle. The taxicab or livery driver's license issued to the driver of that taxicab or livery shall be conspicuously displayed on his/her person.

§ 20-15. License suspension and revocation.

- A. Automatic revocation.
 - (1) Conviction of a crime. No taxicab or livery driver's license shall be valid for purposes of this chapter upon the licensee's conviction of a crime listed in § 20-7(B)(2)(g). It is the responsibility of the driver and business owner employing said driver to notify the City Clerk of any such conviction.
 - (2) Conviction of motor vehicle violations. No taxicab or livery driver's license shall be valid for the purposes of this chapter upon conviction of three or more motor vehicle violations during a license year, or one major moving violation as defined in § 20-7(B)(2)(f)[2]. It is the responsibility of the driver and business owner to notify the City Clerk of any such convictions.
- B. Automatic suspension. No taxicab or livery driver's license shall be valid for the purposes of this chapter during any period in which the state driver's license of the licensee is suspended or revoked. It is a violation of this chapter for a licensee to continue to operate a taxicab or livery vehicle after suspension or revocation of his or her state driver's license. It is the responsibility of the driver and business owner employing said driver to notify the City Clerk of any such suspension or revocation.

- C. Grounds for suspension or revocation of driver's license. In addition to the grounds for denial of a taxicab driver's license set forth in § 20-7B, which are also grounds for suspension or revocation of a license, a taxicab or livery driver's license shall be subject to suspension or revocation upon a determination that the licensee:
- (1) Knowingly took a longer route to his or her destination than was necessary unless so requested by the passenger, provided that longer routes may be necessary due to traffic, construction, detours, accidents, weather, road conditions, and other reasonable factors;
 - (2) Knowingly conveyed any passenger to a place other than that which the passenger or paying party specified;
 - (3) Solicited taxicab or livery passenger business in the manner prohibited by § 20-11;
 - (4) In the case of a livery driver, picked up or attempted to pick up a passenger on the street or in a public place, without an agreement arranged in advance for such pickup, the burden shall be on the livery business or driver licensee to show the existence of such a prearranged agreement;
 - (5) Transported any person in addition to or other than the passenger first engaging the taxicab or livery without the express consent of the original passenger;
 - (6) Drove a taxicab or livery when the licensee was not clean and neat in appearance;
 - (7) Drove a taxicab or livery that was out of compliance with any of the provisions of this chapter when the licensee knew or should have known it was out of compliance;
 - (8) Refused to transport any orderly person upon request, unless the taxicab or livery was already engaged, or unless, three or more times in the previous six months, a person has failed to appear to be transported from the requested address or when the call for transport was made from the same phone number. Examples of a person who is not orderly may include someone who is aggressive, or excessively dirty or unhygienic. Drivers are not required to assist passengers in entering or exiting their vehicle;
 - (9) In the case of a taxicab driver, charged more than the maximum fare specified in this chapter;
 - (10) Failed to carry change sufficient to make change for a twenty-dollar bill;
 - (11) Violated the no-smoking section of this chapter more than two times within a twelve-month period;
 - (12) Removed or obscured any notice or decal required to be posted in the taxicab or livery by this chapter;
 - (13) Was convicted of a crime in any jurisdiction; or
 - (14) Acted in an aggressive, threatening, verbally abusive or disorderly manner while engaged in taxicab or livery services.
- D. Grounds for suspension or revocation of business license. In addition to the grounds for denial set forth in § 20-5, which shall also be grounds for suspension or revocation of a

license, a taxicab or livery business license shall be subject to suspension or revocation upon a determination that the owner or manager of the taxicab or livery business:

- (1) Caused another person to transport any person in addition to or other than the passenger first engaging the taxicab or livery without the express consent of the original passenger;
- (2) Caused another person to refuse to transport any orderly person upon request unless, in the case of business operating a single taxicab or livery, the taxicab or livery is engaged, or, in the case of a business operating more than one taxicab or livery, all vehicles were then engaged; or unless, three or more times in the previous six months, a person has failed to appear to be transported from the requested address or when the call for transport was made from the same phone number. Examples of a person who is not orderly may include someone who is aggressive, or excessively dirty or unhygienic. Drivers are not required to assist passengers in entering or exiting their vehicle;
- (3) In the case of a taxicab business, caused or allowed a passenger to be charged more than the maximum fare specified in this chapter;
- (4) Removed, or obscured, or caused to be removed or obscured from a taxicab or livery the notice or decal required to be posted in the vehicle by this chapter;
- (5) Knew of a driver's conviction, repeated motor vehicle offenses, or the suspension or revocation of his or her State of Maine driver's license and failed to notify the City Clerk of the same as required under § 20-15A or B;
- (6) Operated, or any person employed by such licensee operated, a taxicab or livery without a current and valid taxicab or livery driver's license;
- (7) Operated, or any person employed by such licensee operated, a taxicab or livery which is not covered by a current and valid taxicab or livery business license;
- (8) Operated a taxicab or livery business after there had been repeated violations by the driver(s) employed by the licensee which resulted in three or more suspensions of the same driver, or five or more suspensions of employees of the licensee, within any three-year period; or
- (9) Operated a taxicab or livery business after the taxicabs or liveries covered by the taxicab or livery business license have collectively been the subject of two or more violation notices for failure to comply with the standards set forth in § 20-5.

§ 20-16. Suspension and revocation process.

The Chief of Police may suspend or revoke a taxicab or livery driver's license or taxicab or livery business license for the grounds listed in § 20-15C or D. The following is a list of the suspension period that can be set by the Chief of Police:

- A. Violation of taxi driver license section 20-15.C (1-12)
 - 1. First offense up to 30-day suspension
 - 2. Second offense up to 60-day suspension
 - 3. Third offense up to a year suspension
- B. Violation of taxi driver license section 20-15.C (13-14)
 - 1. First offense up to 60-day suspension
 - 2. Second offense up to 1 year suspension
 - 3. Third offense up to and including permanent suspension
- C. Violation of business license section 20.15.D
 - 1. First offense up to 30-day suspension
 - 2. Second offense up to 60-day suspension
 - 3. Third offense up to a year suspension

The Chief of Police, or his or her designee, shall give notice in writing of the grounds for suspension or revocation of the license. Said notice shall be directed to the licensee and the City Clerk.

§ 20-17. Removal of taxicab or livery from service.

- A. If a law enforcement officer determines that there is a violation of this chapter which poses a threat to the health or safety of passengers, he/she may order the taxicab or livery to be removed from service immediately and may remove or order removed from the vehicle the taxicab or livery inspection sticker. The Chief of Police or his or her authorized agent shall make him- or herself available for a re-inspection of the vehicle no more than three business days thereafter. If, upon appeal of the law enforcement officer's determination that there was a threat to the health or safety of passengers, it is found that there was no such threat, the inspection sticker shall be replaced at nocost.
- B. If a law enforcement officer determines that there is a violation of this chapter that is not directly linked to the health or safety of passengers, then the officer may issue a written order to correct the violation within 30 days; if, after 30 days, the taxicab or livery does not pass re-inspection, an officer may order the vehicle to be removed from service. There shall be a fee as set in Chapter 10-4.3 of this Code for each re-inspection of any taxicab or livery ordered removed from service here under.

- C. A law enforcement officer may immediately order any taxicab or livery that fails to display the decal required by § 20-8C be removed from service until said decal is displayed.
- D. The Chief of Police or his or her authorized agent, at his or her discretion, may require a licensee to present a taxicab or livery for inspection.

§ 20-18. Receipt upon demand.

The driver of any taxicab or livery shall, upon demand by the 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.

§ 20-19. Refusal to pay legal fare.

The refusal of any passenger to pay the legal fare as shown on the taximeter of a taxicab shall be unlawful, and, upon conviction therefor, shall be subject to such penalties provided for in § 20-20 of this chapter.

§ 20-20. Violations and penalties.

Violations of this chapter shall be subject to the penalties of 30-A M.R.S.A. § 4452. Any such fine may be in addition to the provisions of this chapter providing for the suspension or revocation of the taxicab or livery business license and the taxicab or livery driver's license. In the case of a suspension or revocation, both the license and the right of the licensee to apply for or renew a license are suspended or revoked. A licensee whose license is revoked cannot apply for a new/renewal license for one year. If a license is denied, the applicant may not reapply for six months thereafter. Suspensions and revocations issued by the City Council may last up to one year from the date of suspension or revocation.

§ 20-21. Appeals.

- A. Any person aggrieved by a denial by the City Clerk of an application for a taxicab or livery business license or a taxicab or livery driver's license filed under § 20-5 or 20-7 of this chapter, or removal of a vehicle from service or a violation notice under § 20-17, may appeal said denial, removal or violation notice to the City Council, subject to the following:

- (1) Notice of said appeal shall be in writing, shall state briefly the grounds therefore, shall be directed to the City Council, and shall be filed with the City Clerk not more than 15 days after notice of said denial has been received by the applicant. No fee shall be required for the appeal.
 - (2) Upon receipt of a notice of appeal, the City Clerk shall immediately notify the Chair of the City Council, who shall take action to have it heard at a regular or special meeting of the City Council within 40 days of receipt of the notice. Before the hearing, the City Clerk shall notify the applicant, the City Council members, and any appropriate members of City staff of the time and place of the hearing.
 - (3) The hearing shall be conducted in accordance with the following:
 - (a) The appellant's case shall be heard first. The City Clerk or other City representative shall then present the position of the City.
 - (b) All parties shall be given the opportunity to be represented by an attorney or other spokesperson.
 - (c) Evidentiary and presentation standards shall be as set in 30-A M.R.S.A. § 2691, Subdivision 3D.
 - (d) A hearing shall not be continued to another time except for good cause.
 - (4) Decisions and notices of decisions shall be rendered in public in accordance with 30-A M.R.S.A. § 2691, Subdivision 3E. This decision must be based solely on evidence presented at the hearing.
- B. Further appeals. Any decision of the City Council pursuant to Subsection A of this section may be appealed to the Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.
- C. For purposes of this chapter, the procedures outlined in this § 20-21 are intended to entirely supplant the administrative appeals procedure.

MEMO

Date: March 29, 2017

To: City Council

From: Scott Wilcox, Police Chief

Cc: Bill Mayo, Patty Brochu

RE: Request to approve the transfer of forfeiture assets

I am looking for a recommendation to the full Council to accept a criminal forfeiture in the amount of \$3540.00; 15% of the \$3540.00 will be awarded to the Penobscot County District Attorney's Office at the request of District Attorney Christopher Almy. The City of Old Town Police Department will receive 85% of the forfeiture resulting in \$3009.00. This money was seized during a search warrant and has been forfeiture to the Old Town Police Department during State of Maine vs. Josue Colon CR 16-4591

Respectfully Submitted

Scott J Wilcox

STATE OF MAINE
Penobscot, ss

PENOBSCOT COURT
Criminal Action
Docket No. CR-16-4591

STATE OF MAINE

v.

JOSUE COLON

Defendant

and

\$3,540.00 in U.S. Currency

Defendant(s) In Rem

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Municipality of Old Town
Approval of Transfer
15 M.R.S.A. §5826(6) &
§5822(4)(A)

NOW COMES the City of Old Town, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer 85% of the above captioned \$3,540.00 in U.S. Currency on the grounds that the Old Town Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the City of Old Town, Maine does hereby approve of the transfer of the Defendant(s) in Rem, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Old Town municipal legislative body on or about

Dated: _____

Chairperson/Mayor/Councilman/Clerk
Municipality of Old Town
Old Town, Maine
(Impress municipal legislative body seal here)