

**Legal Notice
(Seal)
Town of Reading**

To the Inhabitants of the Town of Reading:

Please take notice that the Board of Selectmen of the Town of Reading will hold a public hearing on December 17, 2013 in the Selectmen's Meeting Room, 16 Lowell Street, Reading, Massachusetts on the following:

- Continued Hearing on Washington Park Final Design 7:10 p.m.
-  Background Investigation Options for Class 2 and 3 Motor Vehicle Licenses, Peddlers Licenses, Taxi/Livery Licenses and Second Hand Dealer Licenses 9:00 p.m.

Copies of the proposed documents regarding these topics are available in the Town Manager's office, 16 Lowell Street, Reading, MA, M-W-Thurs from 7:30 a.m. - 5:30 p.m., Tues from 7:30 a.m. - 7:00 p.m. and are attached to the hearing notice on the website at www.readingma.gov

All interested parties are invited to attend the hearing, or may submit their comments in writing or by email prior to 6:00 p.m. on December 17, 2013 to townmanager@ci.reading.ma.us

By order of
Robert W. LeLacheur
Town Manager

To the Chronicle: Please publish on December 10, 2013

Send the bill and tear sheet to: Town Manager, 16 Lowell Street, Reading, MA 01867



READING POLICE DEPARTMENT

15 Union Street • Reading, Massachusetts 01867

Emergency Only: 911 • All Other Calls: (781) 944-1212 • Fax: (781) 944-2893

Web: www.ci.reading.ma.us/police/

EXECUTIVE SUMMARY BACKGROUND INVESTIGATION LICENSING OPTIONS

January 24, 2013

Chief James Cormier
Reading Police Department
15 Union Street
Reading, MA 01867

Chief Cormier,

As directed by your Office and in accordance with Reading Police Department Policy and Procedures, I have placed together an executive summary of background investigation options for Class II and III motor vehicle licenses, peddler licenses, taxi/vehicle for hire licenses and second hand dealer licenses.

Option 1

The Board of Selectmen (BOS) can ask the Police Department to conduct an internal record check. The PD can do an in-house record check which will give the selectmen information on any issues that have occurred within the Town of Reading. This is a very limited review of the applicants.

Option 2

The BOS can apply Option 1 and also have the Town's Personnel Director run a limited Board of Probation check thru the Department of Criminal Justice Information Services. The check done by the HR director would not be as inclusive as the Police Department check. The BOS could request that the applicant provide a copy of their Driver's History (if necessary) and/or Board of Probation history.

Option 3

The BOS can apply Option 2 and also have the Police Department run the applicants fingerprints through the Civil Fingerprinting bylaw for a fee set by the BOS, \$30 which has to be given to the State. This will give a nationwide check based on fingerprints for any criminal activity that is supported by fingerprints. The Police Department can also apply Option 1 and run a check in their In-House computer system to see if the licensee has any involvement with the Police in this Town.

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EXECUTIVE SUMMARY
BACKGROUND INVESTIGATION
LICENSING OPTIONS

Option 4

The BOS can designate the Chief of Police as the License Authority and the Police Department can run a complete background on the licensee. This would include conducting the Civil Fingerprinting per bylaw for a fee. The Police Department will also run a complete Board of Probation Check and the In-House computer check.

The Chief of Police already has the authority to run Liquor License applicants due to the fact of being designated an agent of the License Authority by the BOS.

Enclosed, please find copies of relevant Selectmen's Policies and Town By-Laws. There is also a list of all licenses relevant to this issue. Please let me know if you need any further information.

Respectfully Submitted,



Sgt. Detective Mark D. Segalla
Criminal Division Commander



James W. Cormier
Chief of Police

READING POLICE DEPARTMENT OFFICE OF THE CHIEF

16 Union Street, Reading, Massachusetts 01867
Emergency Only: 911 All Other Calls: 781-944-1212 Fax: 781-944-2893
E-Mail: JCormier@ci.reading.ma.us

MEMORANDUM

To: Town Manager Peter I. Hechenbleikner
From: Chief James Cormier
Date: 01/14/2013
Re: BOS inquiry on Class 2 & 3 M/V Dealers License

Peter,

During the Selectmen's meeting of Tuesday January 8, 2013 we had discussion with the Board of Selectmen regarding Class 2 and 3 M/V Dealers background checks. The Board requested information on what the surrounding towns are doing in relationship to the discussion and whether or not we are being duplicitous in our background recommendations with that of the Registry of Motor Vehicles.

As was requested, I spoke with Chiefs of Police from all the contiguous communities regarding this topic. Of the six contiguous communities, 3 have the civil fingerprint bylaw in effect, 2 are in the process of implementing it, and one will explore it at some time but has no immediate timeframe. So, five of the six will have brought it for review in the very near future. In five of the six communities the BOS is the Licensing Authority for the Class 2 and 3 M/V licenses, in one it's the city clerk.

In terms of doing criminal background checks, all the Chiefs indicate they believe the Class 2 and 3 M/V dealers to be under the category of dealers of second hand articles. In one community, the HR Director does the Board of Probation checks (in this case the HR director could make an assessment of suitability but I don't believe they could share the background check with the Board unless they are CORI certified), in two communities the Police Departments provide information to the Licensing Authority, and in two other communities

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they follow the civil fingerprint bylaw (in one of those two, its only for new applicants, not renewals), and in the final community, the Police Department provides only an in-house record check. The Chiefs who are in process of moving the civil fingerprint bylaw forward would be recommending that it be used for this purpose to their respective Licensing Authorities.

I am still pursuing definitive information from the Registry of Motor Vehicles regarding their process. I do not believe they do record checks prior to issuing repair/dealer plates. I will continue to try to confirm this information.

TOWN BY-LAWS

5.4 Criminal History Check Authorization

5.4.1 Fingerprint Based Criminal History checks The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172 B 1/2, conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to-Door Salespeople, (Police Chief)
- Manager of Alcoholic Beverage License (Board of Selectmen)
- Owner or Operator of Public Conveyance (Board of Selectmen)
- Dealer of Second-hand Articles (Board of Selectmen)
- Hackney Drivers, (Board of Selectmen)
- Ice Cream Truck Vendors (Board of Health)

5.4.1.1 Notification At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin which explains the requirements for town by-laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

5.4.1.2 State and national criminal records background checks Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law.

5.4.1.3 Authorization to conduct fingerprint-based state and national criminal record background checks The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law. The State and FBI criminal history will not be disseminated to unauthorized entities. Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the

fingerprint-based criminal record background check to any licensing authority pursuant to this by-law until it has taken the steps detailed in this paragraph.

5.4.1.4 Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so. The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

5.4.1.5 Regulations The Board of Selectmen, is authorized to promulgate regulations for the implementation of the proposed by-law, but in doing so it is recommended that they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws.

5.4.2 Use of Criminal Record by Licensing Authorities Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.

5.4.3 Fees The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be determined by the Board of Selectmen and shall not exceed one hundred dollars (\$100). The Town Treasurer shall periodically consult with Town Counsel and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees. A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

5.4.4 Effective Date This by-law shall take effect May 4, 2012, so long as the requirements of G.L. c. 40 sec. 32 are satisfied.

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TOWN BY-LAWS

7.6 Licenses

7.6.1 General Provisions

Any license issued subject to this bylaw shall issue on January 1 (or thereafter) of each year and shall expire on the next succeeding December 31 and may be revoked or suspended at any time by the Board of Selectmen for any violation of this bylaw or any rules, orders or regulation from time to time adopted by the Board of Selectmen.

7.6.2 Transport

7.6.2.1 License Required

No person shall engage in the business of transporting for hire, goods, wares, furniture or rubbish as specified in Section 7.6.2.2 of this bylaw without first obtaining a license or licenses therefore as set forth below.

7.6.2.2 All Vehicles to be Licensed

The Board of Selectmen may license suitable persons to use vehicles for the transporting for hire of goods, wares, furniture or rubbish within the Town. All persons engaging in such transportation for hire within the Town shall take out such number of licenses as will equal the greatest number of such vehicles to be used at any one time by said person during the year for which the license is issued. Such license shall expire on December 31 of each year and may be revoked at the pleasure of the Selectmen.

7.6.2.3 Information to be Placed on Vehicles

Every person licensed under the provisions of this bylaw shall cause his name and the number of his license to be printed or placed in plain legible words and figures in a conspicuous place on the outside of each vehicle used in exercising said license.

Town of Reading General Bylaw Article 7 - Regulation of the Use of Private Land
39 General Bylaw - March 19, 2012

7.6.3 Junk

7.6.3.1 License Required

No person shall use any building, enclosure or other structure for the storage, sale or keeping of rags, waste paper stock or other inflammable material without a license therefore from the Board of Selectmen.

7.6.3.2 Dealers in Junk, Old Metals, Second Hand Articles

The Board of Selectmen may license suitable persons, upon such terms and conditions as the Board shall determine, to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals and second-hand articles, and no person shall be such a dealer or keeper without such a license.

7.6.3.3 Junk Collectors

The Board of Selectmen may also license suitable persons as junk collectors, to collect by purchase or otherwise, junk, old metals and second-hand articles from place to place within the Town, and no person shall engage in such business without such a license.

7.6.3.4 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40,

Section 3.3 - Issuance of Peddler's Licenses

Chapter 101, Sections 12a through 33 of the Laws of the Commonwealth, provide for regulations of peddlers. Part of the State law allows the Board of Selectmen to establish local rules and regulations for the granting of such licenses.

The following rules and regulations are hereby adopted to guide the Board of Selectmen in reviewing and ruling upon applications for Peddler's Licenses:

Each application will be dealt with on a case by case basis. The following guidelines are not intended to be a full list of issues to be dealt with by the Board but are merely guidelines to the applicant.

1. Approval will be granted within a commercial or industrial zoning district only.
2. No peddlers will be permitted to operate within the public right of way including a roadway or sidewalk area.
3. Written approval of the property owner and any tenants on the property will be required prior to the Board hearing an application for a license. This will need to be renewed annually.
4. If the proposed use, in the opinion of the Board of Selectmen, will generate traffic other than traffic that is routine to the premises, then designated parking spaces will be required that will not be detrimental to the principle use on the premises.
5. The Board will require evidence that the peddler's use will have minimal effect on the neighborhood adjacent to the site.
6. The peddler's use will not take away existing parking spaces from those required on the site.
7. The peddler's use may have no negative impact on retail or commercial activities within the Town of Reading.
8. Peddler's uses will only be permitted where there is another principal use on the site and the peddler's use is related to the principal use of the property. No peddler's uses will be permitted on vacant or unused land.
9. The applicant must show that adequate controls are in place and insure public safety and cleanliness, and a condition of approval of any peddler's license will be that all of the required licenses will be received.
10. Prior to the issuance of a Peddler's License, the Board may require a review by the Health Division and the Building/Zoning Inspection Division and proof that all necessary approvals, permits, and other licenses needed to operate have been issued.

Adopted 10-18-88, Revised 12-13-94, Revised 5-25-04

Section 3.4 - Issuance of Class I, II and III Motor Vehicle Licenses

Chapter 140, Sections 57-69 of the Laws of the Commonwealth, provide for the regulation of Class I, II and III licenses for the sale of motor vehicles. The Board of Selectmen as Licensing Authority is charged with the responsibility of issuing these licenses, determining that the licensee is a proper person to engage in the business and that there is a suitable place of business.

The following rules and regulations are hereby adopted to guide the Board of Selectmen in reviewing and ruling upon applications for Class I, II and III Motor Vehicle Licenses:

1. Each application will be dealt with on a case by case basis. These guidelines are not intended to be a full list of issues to be dealt with by the Board but are guidelines to the applicant.
2. Class I, II and III Motor Vehicle Licenses will be issued only within a commercial or industrial zoning district within the Town.
3. Pursuant to State law (Chapter 140, Section 59), the applicant must show that the business to be licensed is the principal business of the licensee.
4. The applicant shall provide to the Board of Selectmen a lease or written approval of the property owner (if other than the applicant) for the use of the premises for the license period.
5. The applicant will provide, pursuant to Chapter 140, Section 58, proof that the applicant maintains or has access to a repair facility sufficient to enable him to satisfy the warranty repair obligations imposed by State statute.
6. For Class I and II Licenses, all the requirements of Chapter 90, Section 7N ¼ and Section 7N 1/2 must be complied with.
7. The applicant must show through plans or other means that there is adequate space on the premises for the vehicles to be sold and for customers and employees to park.
8. The licensed activity must not create an adverse traffic impact and access to the site must be adequate.
9. The licensee must conform with the Zoning By-Laws including the sign portions of the Zoning By-Laws.
10. The Board may require information to assure itself that the facility does not and will not cause any environmental problems relative to spills or other release of harmful substances to the environment or to neighboring properties.
11. The applicant shall provide proof of a bond as required by State Statute.
12. Prior to the issuance of a Class I, II or III Motor Vehicle License, the Board may require a review by the Building/Zoning Inspection Division, and proof that all necessary approvals, permits and other licenses needed to operate have been issued. The Board will require a review by the Chief of Police to assist them in determining that the applicant is a proper person to engage in the business to be licensed.

The following will be standard conditions for Class I, II or III Motor Vehicle Licenses unless the Board of Selectmen shall modify any of these conditions, and the Board may make any additional conditions on the license as it deems fit:

- ◆ The maximum number of vehicles offered to be sold at any one time shall be established.
- ◆ The location of vehicle(s) to be sold will be specifically stated.

- ◆ The location of the repair facility will be specifically stated.
- ◆ There will be no pennants, banners, windshield signs or other information other than the principal sign unless required by law. The Board may require pricing and other consumer information to be attached to the vehicle in a manner so as not to detract from the general appearance of the site.

Adopted 12-13-94, Revised 5-25-04

Section 3.5 - Issuance of Taxi and Vehicle for Hire Licenses

This Section shall be known as the "Town of Reading Rules and Orders for the Regulation of Carriages and Vehicles Used in the Town of Reading, promulgated pursuant to G.L.C. 40, Sec. 22".

3.5.1 - Applicability of Rules and Orders

Vehicles for hire including taxicabs and liveries (hereinafter referred to as "vehicles") operating or caused to be operated by non-governmental entities for the transportation of persons from place to place within the Town, or from a point in the Town to another location outside the Town, other than over regular routes or between fixed termini, shall be subject to these rules and orders to the extent provided below.

3.5.1.2 - Definition of Livery

Livery shall mean a private vehicle licensed as such, including but not limited to, limousines which are used for pre-arranged trips for particular occasions such as weddings, funerals, celebrations or school transportation.

3.5.2 - License

3.5.2.1 - License Required

No vehicle shall be driven, operated or caused to be operated as a vehicle for hire without a license first having been obtained for that vehicle from the Board of Selectmen. Each vehicle shall require a separate license.

3.5.2.2 - Application

Applications for a license shall be made in writing to the Board of Selectmen and shall provide the following information:

1. The name and address of the applicant, if an individual; or if a corporation, the name, date of incorporation, address of its principal place of business and the name and address of its officers; or if a partnership, association or unincorporated company, the names and addresses of the partners or associates and the address of its principal place of business.
2. The intended place of business within the Town of Reading.
3. The name of the manager or principal representative.
4. Proposed hours of operation, description of proposed vehicle including the make, model, Vehicle Identification Number and age of the vehicle.

3.5.2.3 - Review by Chief of Police

No license shall be granted by the Board of Selectmen until the application has been reviewed by the Chief of Police. Ten (10) working days to be allowed for such review. As a condition of issuance and retention of the license, the owner and all employees of the licenses shall make available to the Police Chief or his designees, the manifest used by the taxi company. "Manifest" means a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

3.5.2.4 - Grant or Denial

The Board of Selectmen may upon receipt of an application, issue a license under such terms and conditions as they deem appropriate and in the public interest. The Board, in determining whether to issue a license, may consider the public demand or the proposed service, the effect of the proposed service upon relevant traffic and safety conditions, the character and financial responsibility of the applicant the condition of the proposed vehicle(s), and any and all other relevant facts or circumstances.

3.5.2.5 - Term and Fee

Any license issued hereunder shall expire on the last day of December next ensuing, unless sooner revoked or surrendered. Any licensee who permanently ceases to operate the vehicle for which a license was issued shall forthwith surrender the license to the Board of Selectmen. The fee for each license issued shall be fifty dollars (\$50.00) per license. This fee shall not be prorated.

3.5.2.6 - Notification as to Vehicle

If issued a license, the licensee shall, prior to the operation of the vehicle as a vehicle for hire, provide the following information, in writing, to the Board of Selectmen:

1. The make, model, Vehicle Identification Number and age of the vehicle.
2. A copy of the vehicle's certificate of registration with the Registrar of Motor Vehicles.
3. A copy of the certificate of insurance coverage page for the vehicle.

3.5.2.7 - Insurance

A vehicle issued a license hereunder shall be insured. Coverage for "Bodily Injury to Others" shall be no less than \$100,000 per person/\$300,000 per accident.

3.5.2.8 - Liability

The licensee is at all times responsible for his vehicle and shall be liable for all penalties and/or damage resulting from his operation of the vehicle or the operation of the vehicle by an employee or agent.

3.5.2.9 - Suspension or Revocation

The Board of Selectmen may suspend or revoke a license issued under the provisions of this article for good cause. Before suspension or revocation of a license, the licensee shall be entitled to a hearing thereon before the Board of Selectmen. Written notice of the hearing shall

be forwarded to the licensee at least seven (7) calendar days prior to the date of the hearing. Such notification shall state the grounds of complaint and the date, time and place of the hearing. The Town Manager may temporarily suspend a license without a hearing for a period of no greater than ten (10) days or until a hearing is held, whichever is sooner, if there is sufficient evidence to indicate that the public safety would be endangered by continued operation of the vehicle.

3.5.2.10 - Assignment or Transfer Prohibited

No license shall be assigned or transferred.

3.5.3 - Permit

3.5.3.1 - Required

No person shall operate a vehicle, and no licensee shall employ or allow a person to operate a vehicle, unless the operator first obtains a permit from the Board of Selectmen.

3.5.3.2 - Minors

No permit shall be issued to a person under eighteen (18) years of age.

3.5.3.3 - Application

Applications for a permit shall be made, in writing, to the Board of Selectmen and shall provide the following information:

1. Full name and address.
2. Copy of a valid operator's license issued by the Registrar of Motor Vehicles.
3. All previous experience operating a vehicle for hire.
4. Convictions or pleas of guilty to a criminal offense, except as outlined below. If any, state the offense(s), court(s) in which convicted or guilty plea occurred and when the conviction(s) or plea(s) occurred. The following criminal information is not and shall not be requested, examined or considered by the Board of Selectmen:
 - ◆ Arrests, detentions or dispositions in which no conviction or guilty plea resulted;
 - ◆ Convictions which have been reversed or vacated but not pardoned;
 - ◆ Misdemeanor convictions or guilty pleas when the date of conviction or plea was greater than ten (10) years prior to the date of application for the permit;
 - ◆ Traffic violations for which there was a finding of responsibility for a period of two (2) years prior to the date of application for the permit or for such period of time as the Board of Selectmen shall request.

Failure to give accurate and complete information as required above may be grounds for denial, suspension or revocation of a permit.

3.5.3.4 - Review by Chief of Police

No permit shall be issued by the Board of Selectmen until the application has been reviewed by the Chief of Police or his designee. Ten (10) working days to be allowed for such review.

3.5.3.5 - Issuance or Denial

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An applicant shall be granted a permit only if the Board of Selectmen determines that granting a permit to the applicant is in the best interest of the public. Criminal convictions or pleas of guilty shall not result in an automatic denial of an application but shall be given significant consideration and weight by the Board of Selectmen, taking into account all factors including the nature and gravity of the offense, the time that has passed since the conviction or plea, and the sensitive nature of serving the public as a driver of a vehicle for hire.

3.5.3.6 - Term and Fee

Any permit granted hereunder shall expire on the last day of December next ensuing, unless sooner revoked or surrendered. A permit holder who ceases to operate vehicles shall forthwith surrender his permit to the Board of Selectmen. The fee for a permit shall be fifty dollars (\$50.00). This fee shall not be prorated.

3.5.3.7 - Picture Identification Card

A picture identification card shall be issued by the Board of Selectmen, or its designee, to each permit holder, and shall be displayed prominently in the vehicle when being driven by the permit holder.

3.5.3.8 - Liability

A permit holder is at all times responsible for the vehicle he is operating and shall be liable for all penalties and/or damage resulting from his operation of the vehicle.

3.5.3.9 - Suspension or Revocation

The Board of Selectmen may suspend or revoke a permit granted under the provisions of this article for good cause. Before suspension or revocation of a permit, the permit holder shall be entitled to a hearing thereon before the Board of Selectmen.

Notice of the hearing shall be in writing and forwarded to the permit holder at least seven (7) calendar day prior to the date of the hearing.

Such notification shall state the grounds of complaint and the date, time and place of the hearing. The Town Manager may temporarily suspend a permit until a hearing can be held in accordance with the procedures set out above, if there is sufficient evidence to indicate that the public safety would be endangered by the continued operation by the permit holder. In no event shall a temporary suspension be for a period greater than ten (10) calendar days.

3.5.4 - Operation

3.5.4.1 - Duty to Transport

A permit holder shall not unreasonably refuse to transport a passenger.

3.5.4.2 - Sharing a Ride

No permit holder shall accept a passenger when the vehicle is occupied or engaged without the consent of the passenger(s) already in the vehicle. No person shall be obliged to pay any extra fare or fee for refusing such consent. Separate fares shall not be charged to members

of the same party. A party shall be considered any number of individuals (not exceeding the passenger capacity of the taxi) with the same origin and destination.

3.5.4.3 - Taxi Stands - Parking – Standing

The Board of Selectmen may assign a taxi stand or stands to one or more taxicabs. The Board of Selectmen may also designate specific areas, streets or ways where vehicles may not park or stand. Standing and/or parking on public ways or public property of vehicles not licensed in the Town of Reading is prohibited except while waiting to return a party whose original point of hire was from outside of Reading, when operating in accordance with a Massachusetts Department of Public Utilities license, or when being used for personal (non-vehicle for hire) purposes.

3.5.4.4 - Maintenance of Vehicles

Every vehicle shall be kept in good condition, suitable for occupancy and mechanically fit for the safety of passengers. The interior and exterior of the vehicle shall be safe, clean and sanitary at all times.

3.5.4.5 - Inspection

The Reading Police Department or its designee shall have the right to inspect any vehicle for purposes of these regulations or as public safety requires.

3.5.4.6 - Smoking

Smoking in a vehicle is prohibited.

3.5.4.7 - Appearance of Operator

Every driver having charge of a licensed vehicle shall be suitably dressed (sleeved shirt), neat and clean in appearance.

3.5.4.8 - Display of License, Picture Identification Card and Rates of Fare

Every vehicle when in operation shall display the following cards in a suitable frame so that they are secure and immobile and plainly visible to passengers riding in the rear of the vehicle:

1. License
2. Picture identification card of driver
3. Fares (taxicabs only)

3.5.4.9 - Lettering on Taxicabs

Every taxicab operating under the authority of these rules and orders shall have the name or trade name of the licensee and the name "Town of Reading" or "Reading" painted on both sides of the taxicab in letters four inches high and one-half inch wide, painted in two conspicuous places on the taxicab.

3.5.4.10 - Copy of Regulations

Every vehicle shall, when in operation, contain a copy of these regulations, which shall be exhibited to any passenger or Police Officer on request. The licensee and permit holder shall be responsible for the implementation of this requirement.

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3.5.5 - Fares

3.5.5.1 - Taxicabs

The Selectmen shall establish the rates of fare for the conveyance of passengers and baggage, and may revise such when they so determine. The rate of fare shall be governed by fare zones and shall be on file at the Office of the Town Clerk.

3.5.5.2 - Separate Fares

Separate fares shall not be charged to members of the same party.

3.5.5.3 - Senior Citizen Discount

Fares for all persons sixty (60) years of age and older shall be discounted in accordance with a schedule approved by the Board of Selectmen. When discounted rates are offered, they must be offered to all senior citizens using a taxicab pursuant to the licensing established in this policy. There shall be displayed a sign informing the passengers of the discount.

3.5.5.4 - No Fares in Excess of Established Rates

No taxicab permit holder shall demand or receive as a fare more than the fare established by the Board of Selectmen under the authority granted by these regulations.

3.5.5.5 - Livery Rates

Charges by liveries shall be subject to mutual agreement between the livery operator and the passenger(s).

3.5.6 - Information Update and Penalties

3.5.6.1 - Information Update

When any information provided in an application for a license or permit changes or is updated, the respective licensee or permit holder shall give notice thereof, in writing, to the Board of Selectmen.

3.5.6.2 - Penalties

The penalty for a violation of any of these rules and orders shall be a fine equal to the fine for a violation of Town Bylaws as set forth in Article 1.5 of the Town Bylaws. Violation of any of the rules and orders herein shall be just cause for suspension or revocation of a license and/or permit.

Adopted 7-18-89, Revised 12-13-94, Revised 5-25-04

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LIST OF LICENSES
10/31/12

CLASS I, II AND III MOTOR VEHICLES LICENSEES

Gallery North, Inc. (Class I)
d/b/a Honda Gallery
88-98 Walkers Brook Drive

ECars of New England Inc. (Class I)
281 Main Street

128 Tire, Inc. (Class II)
459 Main Street

Brown's Auto Repair (Class II)
35 Lincoln Street

Reading Auto Sales (Class II)
550 Main Street

Reading Foreign Motors, Inc. (Class II)
4 Minot Street

RMP Mass (Class II)
Reading Motors
1337 Main Street

Reading Square Auto Body, Inc. (Class II)
9 Chapin Avenue

Reading Square Shell (Class II)
749 Main Street

North Reading Auto & Recon, Inc. (III)
d/b/a Gray's Towing
4 Minot Street

JUNK LICENSE
CTC Gold Refinery
75 Haven Street

5016

TAXI AND LIVERY LICENSEE

Paul's Sedan Service
40 Orange Street

Dilsh An Perera
Sapphire Livery
1230 Main Street

Abdollah Hosseini
Abby Transportation
211 Main Street, Unit 2

LIQUOR LICENSES

22 ESTABLISHMENTS

Section 3.5 - Issuance of Taxi and Vehicle for Hire Licenses

This Section shall be known as the "Town of Reading Rules and Orders for the Regulation of Carriages and Vehicles Used in the Town of Reading, promulgated pursuant to G.L.C. 40, Sec. 22".

3.5.1 - Applicability of Rules and Orders

Vehicles for hire including taxicabs and liveries (hereinafter referred to as "vehicles") operating or caused to be operated by non-governmental entities for the transportation of persons from place to place within the Town, or from a point in the Town to another location outside the Town, other than over regular routes or between fixed termini, shall be subject to these rules and orders to the extent provided below.

3.5.1.2 - Definition of Livery

Livery shall mean a private vehicle licensed as such, including but not limited to, limousines which are used for pre-arranged trips for particular occasions such as weddings, funerals, celebrations or school transportation.

3.5.2 - Vehicle License

3.5.2.1 - License Required for EACH vehicle

No vehicle shall be driven, operated or caused to be operated as a vehicle for hire without a license first having been obtained for that vehicle from the ~~Board of Selectmen~~ Chief of Police. Each vehicle shall require a separate license.

3.5.2.2 - Application for Vehicle License

Applications for a license shall be made in writing to the ~~Board of Selectmen~~ Chief of Police and shall provide the following information:

1. The name and address of the applicant, if an individual; or if a corporation, the name, date of incorporation, address of its principal place of business and the name and address of its officers; or if a partnership, association or unincorporated company, the names and addresses of the partners or associates and the address of its principal place of business.
2. The intended place of business within the Town of Reading.
3. The name of the manager or principal representative.
4. Proposed hours of operation, description of proposed vehicle including the make, model, Vehicle Identification Number and age of the vehicle.
5. A copy of the vehicle's certificate of registration with the Registrar of Motor Vehicles.
6. A copy of the certificate of insurance coverage page for the vehicle.

3.5.2.3 - Insurance

A vehicle issued a license hereunder shall be insured. Coverage for "Bodily Injury to Others" shall be no less than \$100,000 per person/\$300,000 per accident

3.5.2.4 - Review by Chief of Police of Vehicle License

~~No license shall be granted by the Board of Selectmen until the application has been reviewed by the Chief of Police shall have~~ —Fifteen (15) working days to be allowed for such review such license. As a condition of issuance and retention of the license, the owner and all employees of the licenses shall make available to the Police Chief or his designees, the

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manifest used by the taxi company. "Manifest" means a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

3.5.2.54 - Grant or Denial of Vehicle License

The ~~Chief of Police Board of Selectmen~~ may upon receipt of an application, issue a license under such terms and conditions as they deem appropriate and in the public interest. The ~~Chief of Police Board~~, in determining whether to issue a license, may consider the public demand or the proposed service, the effect of the proposed service upon relevant traffic and safety conditions, the character and financial responsibility of the applicant the condition of the proposed vehicle(s), and any and all other relevant -facts or circumstances.

3.5.2.65 - Term and Fee of Vehicle License

Any license issued hereunder shall expire on the last day of December next ensuing, unless sooner revoked or surrendered. Any licensee who permanently ceases to operate the vehicle for which a license was issued shall forthwith surrender the license to the ~~Chief of Police Board of Selectmen~~. The fee for each license issued shall be fifty dollars (\$50.00) per license. This fee shall not be prorated.

3.5.2.6 - Notification as to Vehicle

~~If issued a license, the licensee shall, prior to the operation of the vehicle as a vehicle for hire, provide the following information, in writing, to the Chief of Police Board of Selectmen:~~

- ~~1. The make, model, Vehicle Identification Number and age of the vehicle.~~
- ~~2. A copy of the vehicle's certificate of registration with the Registrar of Motor Vehicles.~~
- ~~3. A copy of the certificate of insurance coverage page for the vehicle.~~

3.5.2.7 - Insurance

~~A vehicle issued a license hereunder shall be insured. Coverage for "Bodily Injury to Others" shall be no less than \$100,000 per person/\$300,000 per accident.~~

3.5.2.78 - Liability

The licensee is at all times responsible for his vehicle and shall be liable for all penalties and/or damage resulting from his operation of the vehicle or the operation of the vehicle by an employee or agent.

3.5.2.89 - Suspension or Revocation

The ~~Chief of Police Board of Selectmen~~ may suspend or revoke a license issued under the provisions of this article for good cause. Before suspension or revocation of a license, the licensee shall be entitled to a hearing thereon before the ~~Chief of Police Board of Selectmen~~. Written notice of the hearing shall be forwarded to the licensee at least seven (7) calendar days prior to the date of the hearing. Such notification shall state the grounds of complaint and the date, time and place of the hearing. The ~~Chief of Police Town Manager~~ may temporarily suspend

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a license without a hearing for a period of no greater ~~than~~ ten (10) days or until a hearing is held, whichever is sooner, if there is sufficient evidence to indicate that the public safety would be endangered by continued operation of the vehicle.

3.5.2.910 - Assignment or Transfer Prohibited

No license shall be assigned or transferred.

3.5.3 — Permit to Operator of Licensed Vehicle

3.5.3.1 - Required

No person shall operate a vehicle, and no licensee shall employ or allow a person to operate a vehicle, unless the operator first obtains a permit from the ~~Board of Selectmen~~ Chief of Police.

3.5.3.2 - Minors

No permit shall be issued to a person under eighteen (18) years of age.

3.5.3.3 - Application

Applications for a permit shall be made, in writing, to the ~~Board of Selectmen~~ Chief of Police and shall provide the following information:

1. Full name and address.
2. Copy of a valid Massachusetts Driver's operator's License issued by the Registrar of Motor Vehicles.
3. All previous experience operating a vehicle for hire.
4. Convictions or pleas of guilty to a criminal offense. If any, state the offense(s), court(s) in which convicted or guilty plea occurred and when the conviction(s) or plea(s) occurred.

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The Applicant must:

- ◆ Not have a Hackney Carriage Driver's License that is revoked or suspended in any jurisdiction;
- ◆ Not have been judged a Habitual Traffic Offender, as defined by Massachusetts General Law Chapter 90 section 22F, or equivalent in any jurisdiction, within the past five (5) years
- ◆ Not have had his or her Driver's License suspended for five (5) or more Surchargeable Incidents, as defined by Chapter 211 of the Code of Massachusetts Regulations section 134, or the equivalent in any jurisdiction, within the past (5) years;
- ◆ Not have any unresolved or outstanding driving infractions which could result in the applicant's Driver's License being suspended or revoked in any jurisdiction;
- ◆ Not have more than four violations of the Traffic Laws/and or At-Fault Accidents as defined by Chapter 211 of the Code of Massachusetts Regulations section 134 or an equivalent department in the last three (3) years (violations and accidents occurring on the same date will count as only one) in any jurisdiction;

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- ◆ Not have any Operating Under the Influence of drugs or alcohol convictions or dispositions under Massachusetts General Law Chapter 90 section 24D within the past five (5) years or the equivalent in any jurisdiction;
- ◆ Not have any felony convictions within the last five (5) years in any jurisdiction;
- ◆ Not have any drug convictions in the last five (5) years in any jurisdiction
- ◆ Not have any dispositions for a criminal offense, in any jurisdiction, that would result in the denial of a license, including admissions to sufficient facts or continues of an offense without resolution, unless the circumstances of such incident are reviewed by the Chief of Police as to the specific facts and circumstances, and the applicant is thus approved by the Chief of Police;
- ◆ Not be required to register as a sex offender in any jurisdiction; and
- ◆ Not have any outstanding or unresolved criminal cases in any jurisdiction which would result in the license being denied if the Applicant was convicted of alleged offense.

4. ~~Convictions or pleas of guilty to a criminal offense, except as outlined below. If any, state the offense(s), court(s) in which convicted or guilty plea occurred and when the conviction(s) or plea(s) occurred;~~

5. ~~Not have been judged a Habitual Traffic Offender, as defined by Massachusetts General Law Chapter 90 section 22F, or equivalent in any jurisdiction, within the past five (5) years;~~

6. ~~Not have had his or her Driver's License suspended for five (5) or more Surchargeable Incidents, as defined by Chapter 211 of the Code of Massachusetts Regulations section 134, or the equivalent in any jurisdiction, within the past (5) years;~~

7. ~~Not have any unresolved or outstanding driving infractions which could result in the applicant's Driver's License being suspended or revoked in any jurisdiction;~~

~~The following criminal information is not and shall not be requested, examined or considered by the Board of Selectmen:~~

~~Arrests, detentions or dispositions in which no conviction or guilty plea resulted;
 Convictions which have been reversed or vacated but not pardoned;
 Misdemeanor convictions or guilty pleas when the date of conviction or plea was greater than ten (10) years prior to the date of application for the permit;
 Traffic violations for which there was a finding of responsibility for a period of two (2) years prior to the date of application for the permit or for such period of time as the Board of Selectmen shall request.~~

~~Failure to give accurate and complete information as required above may be grounds for denial, suspension or revocation of a permit. All license applicants must be suitable individuals in addition to meeting the above requirements. Nothing herein shall limit the Chief of Polices' power to deny an application or renewal application should he/she determine that the applicant is not a suitable Taxi/ Livery Operator. Hackney Carriage Driver.~~

3.5.3.4 – Review by Chief of Police

~~No permit shall be issued by the Board of Selectmen until the application has been reviewed by the Chief of Police or his designee. Ten (10) working days to be allowed for such review.~~

3.5.3.45 - Issuance or Denial

An applicant shall be granted a permit only if the ~~Chief of Police Board of Selectmen~~ determines that granting a permit to the applicant is in the best interest of the public. Criminal convictions or pleas of guilty shall not result in an automatic denial of an application but shall be given significant consideration and weight by the ~~Board of Selectmen~~ Chief of Police, taking into account all factors including the nature and gravity of the offense, the time that has passed since the conviction or plea, and the sensitive nature of serving the public as a driver of a vehicle for hire. The Chief of Police has up to (15) fifteen business days to issue a permit.

3.5.3.56 - Term and Fee

Any permit granted hereunder shall expire on the last day of December next ensuing, unless sooner revoked or surrendered. A permit holder who ceases to operate vehicles shall forthwith surrender his permit to the ~~Chief of Police Board of Selectmen~~. The fee for a permit shall be fifty dollars (\$50.00). This fee shall not be prorated.

3.5.3.67 - Picture Identification Card

A picture identification card shall be issued by the ~~Chief of Police Board of Selectmen~~, or its designee, to each permit holder, and shall be displayed prominently in the vehicle when being driven by the permit holder.

3.5.3.78 - Liability

A permit holder is at all times responsible for the vehicle he is operating and shall be liable for all penalties and/or damage resulting from his operation of the vehicle.

3.5.3.89 - Suspension or Revocation

The ~~Chief of Police Board of Selectmen~~ may suspend or revoke a permit granted under the provisions of this article for good cause. Before suspension or revocation of a permit, the permit holder shall be entitled to a hearing thereon before the ~~Board of Selectmen~~ Chief of Police.

Notice of the hearing shall be in writing and forwarded to the permit holder at least seven (7) calendar day prior to the date of the hearing.

Such notification shall state the grounds of complaint and the date, time and place of the hearing. The ~~Chief of Police Town Manager~~ may temporarily suspend a permit until a hearing can be held in accordance with the procedures set out above, if there is sufficient evidence to indicate that the public safety would be endangered by the continued operation by the permit holder. In no event shall a temporary suspension be for a period greater than ten (10) calendar days.

3.5.4 — Operation of Licensed Vehicles

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3.5.4.1 - Duty to Transport

A permit holder shall not unreasonably refuse to transport a passenger.

3.5.4.2 - Sharing a Ride

No permit holder shall accept a passenger when the vehicle is occupied or engaged without the consent of the passenger(s) already in the vehicle. No person shall be obliged to pay any extra fare or fee for refusing such consent. Separate fares shall not be charged to members of the same party. A party shall be considered any number of individuals (not exceeding the passenger capacity of the taxi) with the same origin and destination.

3.5.4.3 - Taxi Stands - Parking - Standing

The ~~Board of Selectmen~~ Chief of Police may assign a taxi stand or stands to one or more taxicabs. The ~~Board of Chief of Police~~ Selectmen may also designate specific areas, streets or ways where vehicles may not park or stand. Standing and/or parking on public ways or public property of vehicles not licensed in the Town of Reading is prohibited except while waiting to return a party whose original point of hire was from outside of Reading, when operating in accordance with a Massachusetts Department of Public Utilities license, or when being used for personal (non-vehicle for hire) purposes.

3.5.4.4 - Maintenance of Vehicles

Every vehicle shall be kept in good condition, suitable for occupancy and mechanically fit for the safety of passengers. The interior and exterior of the vehicle shall be safe, clean and sanitary at all times.

3.5.4.5 - Inspection

The ~~Reading Police Department~~ Chief of Police or his/her designee shall have the right to inspect any vehicle for purposes of these regulations or as public safety requires.

3.5.4.6 - Smoking

Smoking in a vehicle is prohibited.

3.5.4.7 - Appearance of Operator

Every driver having charge of a licensed vehicle shall be suitably dressed (sleeved shirt), neat and clean in appearance.

3.5.4.8 - Display of License, Picture Identification Card and Rates of Fare

Every vehicle when in operation shall display the following cards in a suitable frame so that they are secure and immobile and plainly visible to passengers riding in the rear of the vehicle:

1. License
2. Picture identification card of driver
3. Fares (taxicabs only)

3.5.4.9 - Lettering on Taxicabs

Every taxicab operating under the authority of these rules and orders shall have the name or trade name of the licensee and the name "Town of Reading" or "Reading" painted on both

sides of the taxicab in letters four inches high and one-half inch wide, painted in two conspicuous places on the taxicab.

3.5.4.10 - Copy of Regulations

Every vehicle shall, when in operation, contain a copy of these regulations, which shall be exhibited to any passenger or Police Officer on request. The licensee and permit holder shall be responsible for the implementation of this requirement.

3.5.5 - Fares

3.5.5.1 - Taxicabs

The ~~Selectmen~~~~Chief of Police~~~~Selectmen~~ shall establish the rates of fare for the conveyance of passengers and baggage, and may revise such when they so determine. The rate of fare shall be governed by fare zones and shall be on file at the Office of the Town Clerk.

3.5.5.2 - Separate Fares

Separate fares shall not be charged to members of the same party.

3.5.5.3 - Senior Citizen Discount

Fares for all persons sixty (60) years of age and older shall be discounted in accordance with a schedule approved by the ~~Board of Selectmen~~~~Board of Selectmen~~~~Chief of Police~~. When discounted rates are offered, they must be offered to all senior citizens using a taxicab pursuant to the licensing established in this policy. There shall be displayed a sign informing the passengers of the discount.

3.5.5.4 - No Fares in Excess of Established Rates

No taxicab permit holder shall demand or receive as a fare more than the fare established by the ~~Board of Selectmen~~~~Chief of Police~~~~Board of Selectmen~~ under the authority granted by these regulations.

3.5.5.5 - Livery Rates

Charges by liveries shall be subject to mutual agreement between the livery operator and the passenger(s).

3.5.6 - Information Update and Penalties

3.5.6.1 - Information Update

When any information provided in an application for a license or permit changes or is updated, the respective licensee or permit holder shall give notice thereof, in writing, to the Chief of Police~~Board of Selectmen~~.

3.5.6.2 - Penalties

The penalty for a violation of any of these rules and orders shall be a fine equal to the fine for a violation of Town Bylaws as set forth in Article 1.5 of the Town Bylaws. Violation of any of the rules and orders herein shall be just cause for suspension or revocation of a license and/or permit.

Adopted 7-18-89, Revised 12-13-94, Revised 5-25-04, Revised 11-21-20124

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