



CITY OF MELROSE

OFFICE OF THE CITY CLERK

MARY-RITA O'SHEA
City Clerk

City Hall, 562 Main Street
Melrose, Massachusetts 02176
Telephone - (781) 979-4114
Fax - (781) 979-4149

Application for Livery Service License (Livery Car Service/Limousine Service)

INSTRUCTIONS TO APPLICANT

1. Complete Application (**PRINT or TYPE** Clearly)
2. Applicant must contact **The Office of Fire Prevention and the Police Dept.** so that the Inspectors can sign their approval following their inspection.
Once you have received all signatures, return the application to the City Clerk's Office. (See **page 3** for contact telephone numbers)
3. Fee: **\$100.00 Livery Service License – \$75.00 Yearly Renewal**
(**return fee with application. Make check payable to “City of Melrose”**)
4. Complete **CORI request Form** and return to City Clerk's Office three (3) weeks before submitting application to City Clerk.
5. Copy of the current insurance policy and current registration for all vehicles
6. Complete Workers' Comp Insurance Affidavit and return with a copy of **Declaration page** of Workers' Comp Policy.

Please complete and return all forms to:

**City Clerk's Office
562 Main Street
Melrose, MA 02176**

If you have any questions, please call (781) 979-4113



CITY OF MELROSE

COMMONWEALTH OF MASSACHUSETTS

Application for Livery Service License

Livery Car Service or Livery Limousine Service

Date: _____ / _____ / _____ FEE \$100.00 per vehicle

To the Honorable Board of Aldermen, City of Melrose, MA.

The undersigned respectfully makes application for a license to conduct the business of setting up and using as a hackney carriage, or carriages, the vehicle, or vehicles, hereinafter described:

MAKE & YEAR	MODEL	MANUFACTURERS NO.	MASS. REG. NO.	DATE OF REGISTRATION

Said vehicles to be kept in a garage or other suitable place on the premises numbered _____

_____, and to be operated from _____

Street Address _____ City _____ State _____ Zip Code _____
 (Private) location at _____
 (Street Address)

NAME OF APPLICANT _____ DOB: _____ / _____ / _____

RESIDENCE _____
 (or principal place of business, if Firm or Corporation) Street Address _____ City _____ State _____ Zip Code _____

Home Telephone: _____ Cell phone: _____

NAME OF MANAGER _____ DOB: _____ / _____ / _____
 (or principal representative in charge of business)

RESIDENCE _____
 Street Address _____ City _____ State _____ Zip Code _____

Home Telephone: _____ Cell phone: _____

OFFICE USE ONLY:

Cori Submitted: _____

Title : _____ Signed: _____

Fee Paid: _____

Title: _____



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TAX CERTIFICATION FORM

License Year: _____

Licensee: Name _____

Address _____

D/B/A: _____

ID# _____

Manager: _____

By signing below I hereby certify under the penalties of perjury that I have, to the best of my knowledge and belief, filed all state tax returns, paid all state taxes, paid all local taxes, paid all water, sewer and solid waste disposal bills, paid all tax titles, paid all utilities, and paid all motor vehicle excise taxes to the City of Melrose required by law.

Signature of Applicant or
Corporate Name*

By: Corporate Office
(Mandatory, if applicable)

Social Security # (voluntary) or Federal Identification Number**

*This license *will not be used or renewed* unless this certification clause is signed by the applicant.

**Your Social Security number or Federal Identification number will be furnished to the Massachusetts Department of Revenue (DOR) to determine whether you have met tax filing or tax payment obligations. Licensees failing to correct their non-filing or delinquency *will be subject to license suspension or revocation*. This request is made under the authority of Massachusetts General Laws, Chapter 62C, Section 49A.

CITY OF MELROSE



To the Honorable Board of Alderman:

Applicant's Name/Business Name

requests that he/she be granted a license

for: **Livery Car Service or Limousine Service License**

at: _____

Expiration Date: **April 30, 20**_____

*Days & Hours of Operation _____

*Signature of petitioner _____

*Residence _____

*Home Telephone _____

*Cell Phone _____

The premises where it is proposed to conduct the business under the license herein requested is situated in _____ District, as appearing on the Zoning Map of the City of Melrose.

CITY OF MELROSE



APPLICATION FOR LIVERY CAR SERVICE OR LIMOUSINE SERVICE LICENSE

Departmental Reports of Investigation Relative to Petition for License

REPORT OF FIRE DEPARTMENT

Approval: _____
Office of Fire Prevention (781-665-0501)

DATE: ____ / ____ / ____

REPORT OF POLICE DEPARTMENT

Approval: _____
Police Department (781-979-4485)

DATE: ____ / ____ / ____

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Business

Applicant Information

Please Print Legibly

Business/Organization Name: _____

Address: _____ City/State/Zip: _____

Are you an employer? (check one):

1. I am an employer with _____ employees (full and/or part-time).*
2. I am a sole proprietor or partnership and have no employees working for me in any capacity. (No workers' comp insurance required)
3. We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. (No workers' comp insurance required)**
4. We are a non-profit organization, staffed by volunteers, with no employees. (No workers' comp insurance required)

Business Type (required):

5. Retail 6. Restaurant/Bar/Eating Establishment 7. Office and/or Sales (inc. real estate, auto, etc.) 8. Non-profit
9. Entertainment 10. Manufacturing 11. Health Care 12. Other _____

Any applicant that checks box #1 must also fill out the section below their worker's compensation policy information. ** If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____ City/State/Zip: _____

Policy# or Self-insurance License# _____ Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expirations date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP Work Order and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: _____ Date: _____ / _____ / _____ Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board
5. Selectmen's Office 6. Other _____

Contact Person: _____ Phone #: _____

INFORMATION AND INSTRUCTIONS

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an *employee* is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An employer is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that **"every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence or compliance with the insurance coverage required."** Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address, and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, not the Department of Industrial Accidents. Should you have any questions regarding the law of if you are required to obtain a workers' compensation policy, please call the department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigation has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigation would like to thank you in advance for your cooperation and should you have any questions please do not hesitate to give us a call.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111

Tel. # 617-727-4900 ext 406 or 1-877-MASSAFE
Fax # 617-727-7749
www.mass.gov/dia

Be it ordained by the Melrose Board of Alderman that the following ordinance be enacted by deleting Section 222-3 in its entirety and replacing same with the following

Livery Service License
Livery Car Service or Livery Limousine Service

SECTION 1.

- A. Livery Vehicle – A passenger car, station wagon, van or limousine used for transporting persons and items in their possession for compensation. A livery vehicle is not marked on its exterior with the Livery company name or number. Such vehicle does not operate on a fixed route and is hired by means of a telephone request or contract arranged in advance of the time transportation is needed. A vehicle used solely in connection with transportation for funerals shall not be considered livery vehicles and shall not be subject to the provisions of this Ordinance.
- B. License/Permit Authority – Melrose Board of Aldermen

SECTION 2. LIVERY SERVICE LICENSE REQUIREMENTS

- A. A livery service shall be subject to the provisions of this ordinance if said livery service: (1) maintains a place of business within the City of Melrose; and (2) advertises, in any format or medium, that it provides livery service within the City of Melrose.
- B. No person or business entity shall within the City of Melrose, engage in any conduct, which would constitute the business of a livery service without a Livery Service License issued by the Melrose Board of Aldermen. The Livery company licensed hereunder is responsible for the conduct and actions of its drivers while operating vehicles owned by the company.
- C. No vehicle shall be utilized by a livery service unless such vehicle:
1. Is properly registered in accordance with Massachusetts law;
 2. Is properly insured or bonded in accordance with Massachusetts law or regulations
 3. Has a valid Massachusetts vehicle inspection sticker; and
 4. Has been issued a livery service license by the Melrose Board of Aldermen, and displays a livery vehicle permit pursuant to this ordinance.

SECTION 3. LIVERY SERVICE LICENSE

- A. Application process – Each applicant for a livery service license shall make application to the City Clerk's Office. Such application form shall contain the applicant's identifying information; the proposed location(s) to be used in the operation of the livery service, including place of garaging; the number and type of vehicles the applicant intends to utilize in connection with the livery service; and a written description of the services to be provided under the license. Each applicant must execute a statement, in writing and under the pains and penalties of perjury, that the applicant owes no back taxes, penalties or interest to the Commonwealth of Massachusetts or the City of Melrose.

Each application must be accompanied by:

1. An application fee of \$100.00 in the form of a check made payable to the City of Melrose;
2. A yearly renewal fee of 100.00. Each additional vehicle shall cost an additional \$75.00;
3. A CORI Request form;
4. A copy of the current insurance policy for all vehicles; and
5. A copy of the current registration for all vehicles.

SECTION 4. AUTHORITY OF LICENSE GRANTING AUTHORITY – The Board of Aldermen may, within its discretion, deny, grant, amend or modify a livery service license. If granted, such license shall be subject to such conditions or restrictions as may be imposed by the Board of Aldermen. The Board of Aldermen may, for cause and after public hearing, amend or revoke any license that has been granted hereunder.

SECTION 5. LICENSE – A license granted by the Board of Aldermen shall be issued by the City Clerk. Such license shall specify the name of the service, effective date of the license, expiration date of the license and the conditions or restrictions as imposed by the Board of Aldermen , including the place or places of business, place of garaging, the days and hours of service, the manner by which fares are to be determined, the amount and types of vehicles that may be utilized by the service; and any other specific condition imposed by the Board of Aldermen.

All licenses shall expire at 11:59 p.m. on April 30 of the year following issuance. There shall be no pro-rating of application/license fees. A license shall be non-transferable. A Livery Service licensee hereunder may apply to the Board of Aldermen for modification or amendment of an existing license. Such application shall be submitted upon the standard application form and must be accompanied by an application fee of \$100.00.

A limousine or livery service must be a separate corporation and/or business entity from any other business(es) or taxicab service(s).

SECTION 6. MANDATORY REPORTS: AUTOMATIC SUSPENSION OF LICENSE – The holder of a license to operate a livery service must, within twenty-four (24) hours of its occurrence, report, on behalf of his or her livery service, the following to the office of the City Clerk:

- a. The suspension or revocation of a motor vehicle registration certificate for any vehicle utilized by the service;
- b. The cancellation of the service's motor vehicle liability insurance policy or bond; or
- c. Suspension or revocation of the permit holder's Massachusetts Motor Vehicle Operator's License, or the suspension or revocation of the permit holder's license or right to operate in any other state.

SECTION 7. SUSPENSION OF REVOCATION OF LICENSE – A license to operate or manage a livery service may be suspended or revoked after notice to the holder of such permit and a hearing

before the Board of Aldermen. Suspension or revocation is authorized if the Board of Aldermen determines, by a preponderance of the evidence that the License Holder:

1. Has knowingly made a false or inaccurate statement on any record or application required by any of the provisions of this Ordinance;
2. Is, in any jurisdiction, convicted or subject to a finding of sufficient facts for a finding of guilty in regard to any felony offense;
3. Is, in any jurisdiction, convicted or subject to a finding of guilty in regard to any misdemeanor offense involving: assault; assault & battery; threatening; larceny, fraud; prostitution; gaming; illegal sale or distribution of an alcoholic beverage; or a statute or regulation relative to livery services;
4. Has knowingly permitted the operation of a livery vehicle by a person who is not the holder of a valid license to operate a livery vehicle;
5. Has permitted a vehicle, without a Livery Vehicle license, to be utilized for the transportation of passengers of a livery service;
6. Has knowingly permitted any livery vehicle to be used in the commission or furtherance of any criminal conduct;
7. Has refused to permit any inspection authorized or required by the provisions of this Ordinance;
8. Has failed to prepare, maintain or file any report, record or notice required by the provisions of this Ordinance;
9. Has engaged in or permitted any conduct that is prohibited by the provisions of this Ordinance.

SECTION 8. NOTICE OF SUSPENSION OR REVOCATION – Upon the suspension or revocation of a license to operate or manage a Livery service, the Board of Aldermen’s shall give written notice of such suspension or revocation, and the reason therefore, to the livery service.

SECTION 9. DISPLAY OF NOTICE TO PASSENGERS – Each livery vehicle shall conspicuously display, on a form to be provided by the Board of Aldermen and in such manner as to be visible to all passengers, the following notice:

THIS VEHICLE IS OWNED BY: (Name, Address and Phone Number of Livery Service)

SECTION 10. NOTICE AND ACKNOWLEDGEMENT OF ORDINANCE – The Board of Aldermen shall provide each applicant for a license or permit with a copy of this Ordinance . Each applicant must acknowledge, in writing, the receipt of same.

SECTION 11. PERMIT TO OPERATE A LIVERY VEHICLE (DRIVERS)
(Chief of Police)

- A. APPLICATION PROCESS – Each application for a permit to operate a livery vehicle shall be accompanied by an Application/Permit non-refundable fee of \$25.00; a clear photocopy of the applicant’s current active driver’s license, a signed CORI request form, and a signed statement, by the holder of a license to operate a livery service, of the intent to hire the applicant.
- B. BACKGROUND CHECK – Upon receipt of an application, a background check, and CORI shall be conducted of the applicant by the Chief of Police or his designee to determine if the applicant is subject to any of the conditions requiring a denial of the permit.
- C. PERMIT TO OPERATE A LIVERY VEHICLE – No person shall operate a livery vehicle without a valid Massachusetts Motor Vehicle Operator’s License and a permit to operate a livery vehicle issued by the Chief of Police or his designee. The livery company is responsible for conducting periodic inspections of the driver’s Massachusetts Motor Vehicle Operator’s License and a permit to operate a livery vehicle. It is the company’s responsibility to insure that drivers have their Massachusetts Motor Vehicle Operator’s License and a permit to operate a livery vehicle in their possession while driving a livery.

The holder of a permit to operate a livery vehicle must, within twenty four (24) hours of its occurrence, report the following to the City Clerk’s Office:

- i. Involvement in any motor vehicle accident; whether on or off duty, which resulted in death, bodily injury or property damage exceeding \$1,000.
- ii. Being arrested, cited or charged with operating under the influence of liquor or drugs, motor vehicle homicide; operating in a race or operating in a negligent or reckless manner; any crime against a person; or, any felony offense;
- iii. Suspension or revocation of the permit holder’s Massachusetts Motor Vehicle Operator’s License, or the suspension or revocation of the permit holder’s license or right to operate a motor vehicle in any other state.

- D. DENIAL OF PERMIT – The Chief of Police or his designee may not issue a Permit if the applicant:

Is deemed, after an investigation of all facts, including but not limited to the applicant’s criminal history, motor vehicle driving history and/or character to be an unsuitable person to possess such a license.

- E. ISSUANCE AND DISPLAY OF PERMIT – An Applicant, who is not subject to any of the conditions requiring a denial of a permit, shall be issued such permit. Such permit must be displayed, in a place visible to any passenger, in a livery vehicle operated by the permit holder.
- F. SUSPENSION OR REVOCATION OF PERMIT – A Permit to operate a livery vehicle may be suspended or revoked after notice to the holder of such permit by the Chief of Police and a hearing before the Board of Aldermen. Suspension or revocation is authorized if the Board of Aldermen determines, by a preponderance of the evidence,

that the permit holder is deemed, after an investigation of all facts, including but not limited to the applicant's criminal history, motor vehicle driving history and/or character to be an unsuitable person to possess such a license.

- G. NOTICE OF SUSPENSION OR REVOCATION OF PERMIT – Upon the suspension or revocation of a permit to operate a livery vehicle, the Chief of Police shall give written notice of such suspension or revocation, with the reasons therefore, to the holder of the permit to operate or manage a livery service by which the suspended or revoked person is employed.
- H. INSPECTION OF LICENSE AND/OR PERMIT – The holder of a permit to operate a livery vehicle shall make available, upon demand of any police officer or member of the Board of Aldermen, their Massachusetts Driver's License and their livery permit. Both of these items are required to be on the person while operating a livery vehicle. The operator of a livery vehicle must permit such officer or member to inspect the vehicle to determine its compliance with the provisions of this Ordinance.

SECTION 12. GENERAL PROVISIONS

A. The owners or drivers of Livery Car Service or Livery Limousine Service shall not solicit passengers on public ways or from hackney stands. Livery Service shall not be used as taxicabs and taxicabs shall not be used as livery.

- B. NOTIFICATION OF CHANGE OF ADDRESS – A license holder must give written notice of any change of address, by certified mail, to the City Clerk's Office.
- C. This ordinance shall not apply to any non-profit corporation, charitable corporation or any governmental organization.