

Creedon, Paul

From: Kim Courtney <kim@kimcourtneylaw.com>
Sent: Thursday, August 06, 2015 3:21 PM
To: Lopez, Donna; Crane, Paula
Cc: Xavier Dietrich
Subject: Communication for Monday's
Attachments: Communication to Cambridge City Council Re Taxi Laws.pdf

City Clerk Donna Lopez,

Please include the attached Communication to the City Council with the communications for the Monday August 7, 2015 City Council Meeting.

Thank you,

Kim Courtney
Xavier Dietrich

Communication to Cambridge City Council

To: Cambridge City Council

From:

Kim Courtney (Resident)	Xavier Dietrich (Resident)
Tibor Hangyal (Taxi Driver)	Donna Blythe-Shaw (Staff Rep., United Steel Workers)
Shibabew Nibr (Taxi Driver)	Rosemond Raymond (Taxi Driver)
Maurice Ducecasse (Taxi Driver)	Nigatu Faye (Taxi Driver)
Adnane El-Hajouji (Taxi Driver)	Hailu Bayecha (Taxi Driver)
Kishan Singh (Taxi Driver)	Jean Josselin (Taxi Driver)
Rene Frenel (Taxi Driver)	Paul Joujoute (Taxi Driver)
Paramveer Singh (Taxi Driver)	Loutio Jacques (Taxi Driver)
Yves Odige (Taxi Driver)	Damien Alsindor (Taxi Driver)
Serge Dorcelus (Taxi Driver)	Marc Raymond (Taxi Driver)
Gerardo Thomas (Taxi Driver)	Winston Scarlett (Taxi Driver)
Brugarnel Richmon (Taxi Driver)	Sauvanais Mirbel (Taxi Driver)

Date: August 6, 2015

Re: Proposed Policy Order, Enforce Hackney Laws

Dear City Councillors,

This communication is for the purpose of submitting the attached proposed Policy Order for your consideration at the August 10, 2015 City Council Hearing.

As the Council is aware, there are two or more businesses currently operating in Cambridge, including Uber, Lyft, and possibly others, whose drivers are picking up passengers in their vehicles for a fee, without the required licenses from the Cambridge License Commission. Those businesses meet the definition of “hackney carriages” under Section 5.20.010 of the Cambridge City Ordinances, and must be licensed under Section 5.20.020 in order to engage in such activities.

The Cambridge City Ordinance also requires that any individual operating as a hackney in Cambridge without the required license “shall” be subject to a fine of up to \$300 “for each offense”. It is our understanding that the City Manager, Police Department and License Commission are allowing those businesses to operate in Cambridge without licenses, and without charging any of the required fines.

The City Manager does not have the option to refuse to enforce the City Ordinances. Pursuant to Massachusetts General Laws Chapter 43, Section 104, City Manager Richard Rossi has a “duty” to “supervise the administration of the affairs of the city” and to ensure that “the laws of the commonwealth and the ordinances, resolutions and regulations of the city council are *faithfully executed*” (emphasis added). When, as here, the City Manager fails to perform that duty, the City Council must “manage”

and “control” the City’s affairs and require the City Manager to take the appropriate actions.

Thus, the above individuals request that the City Council consider the attached proposed Policy Order, which requests the City Manager to instruct the License Commission, Police Department and any other relevant department, board or commission to enforce the above City Ordinances against Uber, Lyft and any others picking up passengers for a fee in Cambridge without a license, and issue the appropriate fines.

Thank you for your serious consideration of this matter.

IN CITY COUNCIL

- WHEREAS: The Cambridge Code of Ordinances, section 5.20.010 states, “Every vehicle used or to be used for the conveyance of persons for hire from any point of origin within the City to any other location shall be deemed to be a “hackney carriage”;
- WHEREAS: The Cambridge Code of Ordinances, section 5.20.020 requires all “hackney carriages” to be licensed by the Cambridge License Commission; and
- WHEREAS: There are currently two or more businesses operating in Cambridge, including Uber and Lyft, who are picking up passengers for hire and meet the definition of “hackney carriages”, yet the drivers working for those businesses are not licensed by the Cambridge License Commission;
- WHEREAS: The Cambridge Code of Ordinances, section 5.20.340 provides that any person who violates the above provisions “shall” be subject to a fine up to “three hundred dollars for each offense”; now therefore be it
- WHEREAS: The City Manager is required by Massachusetts General Laws Chapter 43, Section 104 (City Charter) to “see that within the city the laws of the commonwealth and the ordinances, resolutions and regulations of the city council are faithfully executed”.
- ORDERED: That the City Manager be and hereby is requested to instruct the License Commission, Police Department, and any other relevant department, board or commission within the City to enforce the Cambridge Code of Ordinances against Uber, Lyft and all others operating as “hackney carriages”, or picking up passengers for a fee, in Cambridge without the required licenses, including the issuance of fines.