

**ORDINANCE NO. 7, 2011**

**AN ORDINANCE AMENDING CHAPTER 272 ENTITLED "TAXICABS" OF THE ONEONTA MUNICIPAL CODE**

**BE IT ORDAINED** by the Common Council of the City of Oneonta as follows:

**Section 1. The provision of Chapter 272 shall be repealed and then replaced with the following:**

Chapter 272, TAXICABS AND LIVERY SERVICES

ARTICLE I, Definitions

§ 272-1. Terms defined.

As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

**CRUISING:** The driving of a taxicab upon the street, highways, avenues or public places located within the City of Oneonta for the purpose of soliciting prospective passengers for hire.

**DRIVER:** Any person driving a taxicab, private livery car, private livery van or limousine for hire upon the streets, highways, avenues or public places located within the City of Oneonta.

**DRIVER'S LICENSE:** Permission granted by the city to any person to drive upon the streets of the city any licensed taxicab, private livery car, private livery van or limousine.

**LIMOUSINE:** A chauffeured, oversized or full-sized luxury sedan seating not fewer than five (5) nor more than ten (10) persons, including the driver, used solely for hire in connection with funerals, weddings, amusement, sports or similar functions on a prior agreement, fixed-rate basis and licensed by the New York State Department of Motor Vehicles with a livery plate or other special designated plate. Such vehicle shall not be used as a taxicab. Such vehicle shall not be permitted to stand at any taxi stand designated by the City of Oneonta.

**LIVERY VEHICLE:** A livery vehicle shall include a private livery car, private livery van and limousine.

**MEDALLION:** A metal or other insignia on a taxicab indicating that the driver or owner has a permit to operate a particular vehicle as a taxicab or livery vehicle.

**MINIBUS:** A private livery van, as defined in this chapter.

**OWNER:** Any person owning one (1) or more taxicabs, limousines, private livery cars or private livery vans and driving or causing any such vehicle to be driven upon the streets, highways, avenues or public places located within the City of Oneonta for hire. "Owner" shall also include a purchaser under a reserve title contract, conditional sales agreement of vendor's lien agreement and the leases of any such vehicle or vehicles.

**PARTY:** Two or more passengers, not exceeding the capacity of the cab, who have agreed in advance among themselves to hire a taxicab to furnish their required service.

**PASSENGER:** A person other than the driver who is an occupant of a taxicab, limousine, private livery car or private livery van, and, for the purpose of this chapter, such person or persons shall be presumed to be a passenger for hire.

**PERSON:** An individual, firm, partnership, unincorporated association, corporation or any other legal entity.

**PRIVATE LIVERY CAR:** An intermediate or full sized sedan seating no fewer than (5) nor more than six (6) persons, including the driver, which is dispatched by two-way radio and used for the transportation of passengers for compensation. Such vehicle shall not be operated as a limousine or a taxicab and shall not be permitted to stand at any taxi stand designated by the City of Oneonta. A "private livery car" must be affiliated with a base which is licensed pursuant to this chapter.

**PRIVATE LIVERY VAN:** A motor vehicle which is manufactured and equipped in such a manner as to provide a seating capacity of not fewer than six (6) and not more than fifteen (15) passengers, not including the driver, which is used for the transportation of persons for compensation. Such vehicle shall not be permitted to stand at any taxi stand designated by the City of Oneonta.

**PLACE OF BUSINESS:** Includes all of the following: the approved city location that is compatible with applicable zoning regulations and verified by the Code Enforcement Office and where the primary office identified on the taxicab license is physically located; where vehicles are parked when not in use; and, to where taxicab drivers report when beginning their designated shift.

**SAME PARTY:** Where used in the rate schedule and refers to parties together and with the same points of origin and destination.

**TAXICAB:** A motor vehicle other than a limousine, private livery car or private livery van used in the business of carrying passengers for hire; having a seating capacity of not more than eight (8) persons, including the driver; not operated on a fixed route; and licensed by the New York State Department of Motor Vehicles with a license number that is designated by the Department of Motor Vehicles as a taxicab plate.

**TAXICAB LICENSE:** Permission granted by the city to any person to operate a taxicab, limousine, private livery car or private livery van in the city.

TAXICAB STAND: Any space designated by the Common Council on the streets or property owned or controlled by the City of Oneonta for taxicabs to park while waiting for business.

## ARTICLE II, Taxicab and Livery Drivers

### § 272-2. Taxicab, Livery driver's license required.

It shall be unlawful for any person to drive a taxicab, private livery car, private livery van or limousine within the City of Oneonta without a taxicab and/or livery driver's license for driving the same, as provided herein, whenever said vehicle is operated as a taxicab, private livery car, private livery van or limousine for hire.

### § 272-3. Application for license; qualifications; required information.

Each applicant for a driver's license must comply with the following:

- A. State license. The applicant shall have a state chauffeur's license.
- B. Age. Applicants must be of the age of 18 years or over.
- C. Physical condition. The applicant shall be physically capable of performing all of the functions and duties of a taxicab driver and have good eyesight, and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind, which might render applicant unfit for the safe operation of a public vehicle. The applicant must have a complete physical examination within the thirty-day period prior to the date of application and furnish a certificate, provided by the City Clerk's office, attesting to such a physical examination, signed and returned to the City Clerk by a duly licensed physician. Medical forms personally returned by the applicant to the City Clerk may not be accepted. In lieu of a physical by a duly licensed physician on city provided forms, the applicant may submit proof of a current physical related to issuance of a CDL license.
- D. Literacy. The applicant shall be able to read and write the English language.
- E. Addiction to liquor. The applicant shall not be addicted to the use of intoxicating liquor or drugs.
- F. Personal history.
  - (1) The applicant shall fill out, upon a blank form to be provided by the City Clerk, a statement giving:
    - (a) The applicant's full name and residence.
    - (b) Place of residence for five years previous to the date of the application.
    - (c) Age, height and color of eyes and hair.
    - (d) Place of birth.
    - (e) Whether a citizen of the United States.
    - (f) Places of previous employment.
    - (g) Whether the applicant has ever been convicted of a felony or misdemeanor, DWI or DWAI; if so, the date of such conviction and the disposition thereof.
    - (h) Whether the applicant has been previously licensed as a driver or chauffeur and, if so, whether applicant's license has ever been revoked and for what cause.

- (i) Number of state chauffeur's license.
- (2) The statement shall be signed and sworn to by the applicant and filed with the City Clerk as a permanent record.

§ 272-4. Photograph of applicant to accompany application.

Each applicant for a driver's license must file with their application three unmounted, unretouched photographs taken within the 30 days preceding the filing of their application. Photographs shall be of a size which may easily be attached to applicant's license; one shall be attached to license when issued, and the others shall be filed with the application.

§ 272-5. Department of Motor Vehicles abstract to accompany application.

Each applicant for a taxicab and/or livery driver's license must submit with the application form, a New York State Department of Motor Vehicles abstract providing information regarding the applicant's past and current driving record. The cost of said abstract shall be borne by the applicant.

§ 272-6. License and photograph to be displayed.

Each licensed driver shall display their license and photograph in the interior of the taxicab, private livery car, private livery van or limousine in such position that the same may be easily seen by any fare at all times when the licensed driver is operating the taxicab, private livery car, private livery van or limousine.

§ 272-7. Issuance of driver's license.

- A. Waiting period. In order to ensure compliance with all requirements mandated by the Code related to taxicab drivers, a minimum of five business days may be required to elapse before the City Clerk shall issue a taxicab and/or livery driver's license.
- B. Fee. Upon satisfactory fulfillment of the requirements of this chapter, passing of the required waiting period and the payment of the license fee therefor to the City Clerk in the amount which shall be determined by the Common Council of the City of Oneonta, the City Clerk, upon approval of the application, shall issue the driver's license.
- C. Form. Each license shall be stamped by the seal of the city upon at least a portion of the photograph. All licenses shall be numbered in the order in which they are issued and shall contain the name and the place of residence of the licensee and the date of issuance and expiration of the license.
- D. Tampering with license. No licensee shall deface, remove or obliterate any official entry made upon their license.
- E. Term. The driver's license issued pursuant to the provisions of this article shall be on an annual basis and will expire one year from the date the driver license was issued. The driver's license shall be renewed by the applicant before the expiration date thereof by proper application for such renewal to the City Clerk within the thirty-day period next preceding the date of expiration of such license. Temporary permits or licenses shall not be issued.
- F. Grounds for denial of driver's license and notification thereof.

- (1) The City Clerk shall deny an applicant's petition for a driver's license if said applicant has eight or more points on his/her New York State driver's license; a felony arrest with a pending case and/or conviction within one year preceding the date of the application; a drug or assault arrest with a pending case and/or conviction within one year preceding the date of the application; a DWI or DWAI arrest with a pending case and/or conviction within three years preceding the date of the application; or any other reasons deemed by the City Clerk which are determined to be potentially detrimental to the safety of persons within the taxicab as passengers.
  - (2) The City Clerk shall notify an applicant, in writing, before the expiration of the five-day waiting period, if applicable, of the reasons for denial of a license.
- G. Drug testing. If an applicant has had a drug arrest with a pending case and/or conviction within the designated time as identified in Subsection F, the City Clerk may require applicant to undergo and submit the results of a drug test within 45 days from the date of denial as part of the appeal process identified in Section H.
- H. Right of applicant to appeal denial of driver's license. The applicant shall have 10 days in which to request a hearing on such denial. Said hearing shall be before an appeal board made up of the Transportation Committee and the Chief of Police or their designee.

§ 272-8. Record of driver's license.

The City Clerk shall keep with the original application a complete record of each license issued to a driver and of all renewals, suspensions and revocations thereof.

§ 272-9. Found articles.

Every driver of a taxicab, private livery car, private livery van or limousine immediately after termination of any hiring or employment, must carefully search such taxicab, private livery car, private livery van or limousine for any property lost or left therein and, upon the finding of any such property, must make diligent and reasonable search to find and deliver the same to the owner thereof. If such owner is not found and the property returned within 48 hours, the driver shall report such findings to the Chief of Police and deliver the article to the Police Department with a description of the circumstances of said finding.

§ 272-10. Operation; physical appearance of a taxicab, private livery car, private livery van or limousine; appearance of driver.

A. Operation, Taxicab Drivers Only

- (1) No taxicab driver shall seek employment by driving at such slow speed as to interfere with or impede traffic. Taxicab drivers shall obey police officers who may from time to time give some instructions in order to relieve traffic congestion and to preserve the safety and convenience of the public.
- (2) No person shall solicit passengers for a taxicab except the driver of the taxicab for which passengers are solicited.
- (3) No taxicab driver shall refuse or neglect to convey any orderly person upon request, unless such driver has been previously engaged or is off-duty or is otherwise forbidden to do so by the provisions of this chapter.

- (4) No taxicab driver shall drive any a taxicab for more than 12 continuous hours in any twenty-four-hour period.
- (5) Each taxicab driver waiting for public employment in any established working taxi stand shall remain within sight of the taxicab and shall at all times be prepared to move the taxicab.
- (6) No taxicab driver waiting for employment in any place or zone shall engage in any disorderly conduct or obstruct any sidewalk.
- (7) A taxicab driver or operator shall immediately report a refusal to pay a fare to the Police Department, either in person or by telephone.
- (8) No taxicab driver shall have any alcoholic beverage, whether opened or unopened, in the front or rear seating areas of a taxicab while on duty.
- (9) All taxicab drivers shall keep with them at all times while on duty the taxicab driver's license certificate issued by the City Clerk's office.
- (10) A taxicab driver shall not permit any non-paying passenger to enter or to remain in a taxicab during the time such a taxicab, is available for hire, except a new driver who is being trained.
- (11) The taxicab driver shall notify the passenger of the amount of the fare prior to the passenger's entry into the taxicab.
- (12) At no time shall a taxicab driver allow the number of passenger to exceed passenger capacities as identified and allowed in this chapter.

B. Operation, Taxicab and Livery Drivers

- (1) No taxicab and/or livery driver shall induce any person to be carried by any a taxicab, private livery car, private livery van or limousine by willful misrepresentation.
- (2) No person shall drive a taxicab, private livery car, private livery van or limousine while intoxicated, nor shall any taxicab and/or livery driver drink an alcoholic beverage while on duty nor drive while his/her ability is impaired by use of a controlled substance as defined in § 3306 of the Public Health Law.
- (3) No taxicab and/or livery driver shall fasten or lock the doors on a taxicab, private livery car, private livery van or limousine so that it is impossible for a passenger to open them from the inside.
- (4) No taxicab and/or livery driver shall permit any other person to use their taxicab or livery driver's license.
- (5) No taxicab and/or livery driver shall eat or drink while transporting a passenger.
- (6) No taxicab and/or livery driver shall smoke or carry a lighted cigar, cigarette or pipe or any other form of smoking object or device in a taxicab, private livery car, private livery van or limousine while such taxicab, private livery car, private livery van or limousine is in service, with or without a passenger or fare.

C. Physical appearance of a taxicab, private livery car, private livery van or limousine. Each taxicab and/or livery driver shall keep the interior and exterior of the taxicab, private livery car, private livery van or limousine in a clean and sanitary condition at all times. Each a taxicab, private livery car, private livery van or limousine shall at all times be neat and clean in appearance. Taxicab and/or livery drivers shall assure that

all vehicle systems are in safe working order prior to the commencement of work each day.

- D. Physical appearance of taxicab and/or livery driver. All taxicab and/or livery drivers shall be neatly dressed and clean while on duty.

### ARTICLE III, Taxicab, Livery Licenses

#### § 272-11. License required.

It shall be unlawful for any person to drive or operate a taxicab, private livery car, private livery van or limousine that is not duly licensed under the provisions of this article.

#### § 272-12. Application; required information.

Applications for a taxicab and/or livery license shall be made, in writing, by the owner upon forms furnished by the City Clerk. Such application shall contain:

- A. Personal history: the name and address of the owner and, in the event that the owner is a partnership or operating under a business name, attaching to the application a certified copy of the certificate of partnership or business name filed with the Otsego County Clerk's office and, in the event that the owner is a corporation, furnishing the names and addresses of all the corporate officers.
- B. Office location and responsible person to answer calls. The owner must inform the City Clerk of his/her permanent office location and the telephone number for the same. The owner shall also notify the City Clerk of the person who is responsible for receiving telephone calls while the vehicles are operating.
- C. Vehicle information. The number of taxicabs, private livery car, private livery van or limousine for which the license application is made, stating the make, type, year of manufacture, vehicle identification number, passenger seating capacity, a copy of the certificate of insurance for each taxicab, private livery car, private livery van or limousine and verification of registration for use as a taxicab, private livery car, private livery van or limousine by the New York State Department of Motor Vehicles.
- D. Previous licenses: whether the applicant is or has previously been assigned a taxicab and/or livery license and, if so, in what jurisdiction.
- E. Previous revocations: whether the applicant currently holds or was the former holder of a taxicab and/or livery license which has been revoked or suspended and, if so, for what cause.
- F. Convictions of a crime or traffic offense: whether the applicant has been convicted of a crime or any traffic offense and specifically listing the particulars of each offense.
- G. Defendant in pending criminal case: whether the applicant is a defendant in any pending criminal action and the court where the action is pending.

#### § 272-13. Issuance; fee; term.

- A. Issuance; fee.

(1) Application for a taxicab license whose place of business is within the legally defined boundaries of the City of Oneonta shall be made, in writing, on forms supplied by the City Clerk to the applicant. Such application shall be

accompanied by the payment of the license fee therefor set by resolution from time to time by the Common Council of the City of Oneonta and a medallion fee set by resolution from time to time by the Common Council of the City of Oneonta for each vehicle used as a taxicab.

- (2) Application for a taxicab license whose place of business is outside the legally defined boundaries of the City of Oneonta shall be made, in writing, on forms supplied by the City Clerk to the applicant. Such application shall be accompanied by the payment of the license fee therefor set by resolution from time to time by the Common Council of the City of Oneonta and a medallion fee set by resolution from time to time by the Common Council of the City of Oneonta for each vehicle used as a taxicab.
- (3) Application for a livery license whose place of business is within the legally defined boundaries of the City of Oneonta shall be made, in writing, on forms supplied by the City Clerk to the applicant. Such application shall be accompanied by the payment of the license fee therefor set by resolution from time to time by the Common Council of the City of Oneonta and a medallion fee set by resolution from time to time by the Common Council of the City of Oneonta for each vehicle used as a private livery car, private livery van or limousine
- (4) Application for a livery license whose place of business is outside the legally defined boundaries of the City of Oneonta shall be made, in writing, on forms supplied by the City Clerk to the applicant. Such application shall be accompanied by the payment of the license fee therefor set by resolution from time to time by the Common Council of the City of Oneonta and a medallion fee set by resolution from time to time by the Common Council of the City of Oneonta for each vehicle used as a private livery car, private livery van or limousine.

Furthermore, said license applications should be submitted to the City Clerk's office at least 10 days prior to the expiration on December 31 to allow full and proper review of submitted materials. If said application is not submitted within the stated time period, the City Clerk shall not be required to approve said application by December 31 and may invoke the privileges identified in Subsection B below.

- B. Term. Each license shall be issued for the calendar year only and shall expire on December 31 of each year. If said license is not renewed by December 31 of each calendar year, accompanied by any and all required information and submissions, the taxicab and/or livery license shall be deemed invalid. The Police Chief shall be directed by the City Clerk to instruct the owner to cease any and all operations until said license fee and required attachments are submitted to the City Clerk and the license is issued. The City Clerk must then notify the Police Chief that all requirements have been met before operations may resume.

§ 272-14. Transfer of license.

In the event that the owner of any such taxicab and/or livery service licensed under this article shall dispose of such taxicab, private livery car, private livery van or limousine and shall wish to transfer said license to another taxicab private livery car, private livery van or limousine, they shall make application for such transfer to the City Clerk, shall comply with all conditions precedent to the issuance of an original license under this article and shall pay to the City Clerk a transfer fee which shall be set by resolution from time to time by the Common Council of the City of Oneonta. When the City Clerk is satisfied that all conditions have been met the City Clerk shall issue a new license as to such taxicab, private livery car, private livery van or limousine. When such owner has made an application hereunder, and has otherwise complied with the provisions of this article, he may operate such taxicab, private livery car, private livery van or limousine for a period not exceeding three weeks prior to the issuance of a new license, without being liable to the penalties imposed by this chapter, unless such application is sooner rejected and subject to the provisions of § 272-7.

§ 272-15. Register of licensed a taxicab, private livery car, private livery van or limousine

The City Clerk shall keep a register of the name of each person owning or operating a taxicab, private livery car, private livery van or limousine licensed under this article, together with the license number and the description and make of such vehicle, with the date and complete records of inspections made of it. Such records shall be open to the inspection of the public at all times.

§ 272-16. Vehicle liability and other insurance.

- A. Generally. It shall be unlawful for any person to operate a taxicab and/or livery company within the city unless said company is covered by a liability insurance policy for the protection of passengers in an amount to be determined by the owner's insurance carrier. Proof of insurance shall be required for all vehicles operating as a taxicab, private livery car, private livery van or limousine and shall be filed with the City Clerk before the taxicab and/or livery license is issued.
- B. It shall be unlawful for any person to operate or permit a taxicab, private livery car, private livery van or limousine within the city unless all persons employed or subcontracted to drive for each respective owner and are not the owner operator shall be covered on the owner's liability insurance policy for the protection of passengers in an amount to be determined by the owner's insurance carrier and as per all applicable and appropriate New York State regulations.
- C. It shall be unlawful for any person to operate or permit a taxicab, private livery car, private livery van or limousine within the city unless all persons employed or subcontracted to drive for each respective owner and are not the owner operator shall be covered on the owner's workman's compensation policy for the protection of passengers in an amount to be determined by the owner's insurance carrier and as per all applicable and appropriate New York State regulations.
- D. Change of vehicles. Whenever any vehicle is replaced by another vehicle, before the new vehicle shall be operated as a taxicab, private livery car, private livery van or

limousine, proof of insurance as required by Subsection A of this section shall be submitted to the City Clerk.

§ 272-17. Exterior and interior vehicle regulations; inspections.

A. Vehicle regulations; exterior.

- (1) General requirements. All vehicles shall have and be in good working order, headlights, taillights, brake lights, directional signal lights, windshield, windshield wipers, backup lights, defrosters (front and rear) and horn, all other vehicle glass, a minimum of four doors, door locks, trunk lid, trunk hood, splash shields, bumpers and fenders. Body and tires shall be maintained in a clean condition and in good working order. Vehicles must be equipped with four hubcaps, wheel covers and/or any other similar device as identified by the New York State Vehicle and Traffic Law. There shall be no tears, holes or large rust spots in the vehicle body and no loose pieces, such as fenders, bumpers or trim, hanging from the vehicle body.
- (2) Printed lettering. It shall be required that all taxicabs have printed lettering on both the left and right front doors, at least four inches high, in a color contrasting to that of the taxicab and/or van, setting forth the name of the person owning or dispatching the taxicab. The taxicab shall further have a number printed on the front and rear doors as well as on the rear of the trunk, at least five inches high, and is clearly visible from all directions for the purpose of vehicle identification. Limousines shall be exempt from this provision.
- (3) Roof lights. It shall also be required that all taxicabs be equipped with a roof light, of a minimum size of 12 inches in length and three inches in height, which shall contain the word "taxi" and/or the name of the applicable livery company. The roof light shall denote when the vehicle is off duty. The light shall be illuminated when the taxicab is occupied by a paying passenger and shall be kept unlighted when the taxicab is vacant or is not for hire. The roof light may also be equipped with appropriate "off duty/on duty" lighted components in lieu of the preceding lighting requirement.
- (4) Color. All taxicabs shall be painted in a color pattern so as to not be confused with any federal, state or local law enforcement vehicle which normally operates or may be found in the City of Oneonta or in Otsego County, generally.
- (5) Windows. All taxicabs shall have windows in the rear and side of the vehicle sufficient in number and of such size and dimensions. Tinted windows shall be allowed on all taxicabs and livery vehicles that meet applicable and appropriate New York State Vehicle and Traffic Law regulations.
- (6) Uniformity of body and color. All taxicabs shall have exterior body parts of a uniform color scheme, including original two-tone, vinyl or wood-grained paneling options provided by the vehicle manufacturer.

B. Vehicle regulations; interior.

- (1) General condition. The interior of each vehicle shall be maintained in a clean condition, free of foreign matter and offensive odors. There shall be no litter in the vehicle or trunk. Seats and floor mats shall be kept clean and without holes or large wear spots.

- (2) Posted notices. Each vehicle shall have notices conspicuously posted which provide the phone number of the taxicab company and that of the office of the City Clerk, indicating where to direct any complaints relative to the fare charged, appearance or functioning of the vehicle or the conduct of the driver. Additionally, each vehicle shall have conspicuously posted the adopted rate schedule as per Article V of this chapter entitled, "Rates," as well as a notice that states, "Seatbelts must be available for your use. Please buckle up!"
  - (3) Interior door locks. All vehicles shall be equipped with doors which fasten in a manner so that they may be readily opened from the inside by a passenger.
  - (4) Front and rear seat belts. All vehicles shall be equipped with both front and rear seat belts.
  - (5) Registration plate. All vehicles shall have attached a New York State registration plate.
  - (6) License certificate. All vehicles shall have attached a copy of the license certificate issued by the City Clerk's office at all times.
- C. Inspection of vehicles. No vehicle shall be licensed as a taxicab, private livery car, private livery van or limousine until it has been thoroughly and carefully inspected and examined and found to be in thoroughly safe condition for the transportation of passengers and must be clean, fit and of good appearance. All vehicles must undergo a four-wheel brake inspection which shall be documented on the certification as stated in Subsection D, Intervals. No taxicab, private livery car, private livery van or limousine shall be operated unless it displays on the interior surface of the windshield, as close to the lower right-hand corner as practicable, an unexpired certificate of inspection issued to the current operator of the taxicab, private livery car, private livery van or limousine by the City Clerk's office upon proof of inspection, as hereinafter provided in Subsection D of this section. Motor vehicles displaying seals of the State Public Service Commission, unexpired and issued to the current operator of said vehicles, shall not be required to comply with the provisions stated in this subsection.
- D. Intervals. Taxicabs, private livery car, private livery van or limousine are required to be inspected at six-month intervals. Valid proof of such inspection shall be by certificate issued by the licensed New York inspection station, not owned and operated by a taxicab and/or livery owner, certifying that the vehicle meets all requirements of the Vehicle and Traffic Law of the State of New York. Certifications shall be made on a form to be supplied by the City Clerk.
- E. Periodic inspections by City of Oneonta personnel. The Chief of Police or any other city personnel so designated by the Common Council may, from time to time or on the complaint of any citizen, have the right to inspect a particular vehicle or all vehicles as defined in this chapter after reasonable notice to the owner(s). If it is found that a vehicle does not meet the requirements of this section, the authorized city personnel may, in their discretion, suspend or revoke the owner's taxicab and/or livery license or the driver's license of the person driving the vehicle at the time of the inspection and/or complaint.
- F. Costs. All costs of such inspection shall be borne by the taxicab and/or livery owners.

## ARTICLE IV, Rates

### § 272-18. Rates

- A. Taxicab Zones and Rates. The City of Oneonta is hereby divided into zones as shown on a map and schedules entitled, "Taxicab Zones and Rate Schedules, City of Oneonta," which said map and schedules, appended herewith, are hereby declared to be part of this article.
- B. Surcharges
1. A surcharge in an amount which shall be determined by the Common Council of the City of Oneonta is imposed on all trips commenced and terminated between the hours of 6:00 p.m. and 6:00 a.m. and upon all trips commenced and terminated during the twenty-four hour period comprising a Sunday or legal holiday.
  2. There shall be an optional energy surcharge for all trips in an amount which shall be determined by the Common Council of the City of Oneonta and assessed at the discretion of each respective taxicab/livery company. This energy allowance shall remain in effect as long as the average price of a gallon of gasoline for the Upstate New York area as reported by the New York State Energy and Research Development Authority (NYSERDA) should exceed \$3.499 per gallon. No energy allowance shall be authorized or collected where the average price of a gallon of gasoline in the Upstate New York region as reported by NYSERDA falls below \$3.499.
  3. Additional Passengers. A taxicab driver may charge an amount which shall be determined by the Common Council of the City of Oneonta a per passenger fee for the same party and same destination.
  4. Stop Charge: A stop charge in an amount to be determined by the Common Council of the City of Oneonta shall be levied when a fare requests a stop in addition to the originally agreed upon service request. The stop charge shall be applied for each subsequent stop requested.
- C. Receipts. Upon request of the passenger, the taxicab driver shall provide a receipt upon a form approved by the City Clerk containing the following information:
1. The name of the taxicab company with the number of the car and the printed and signed name of the driver.
  2. The date and place the trip originated.
  3. The date and place of trip termination.
  4. The number of passengers for which the paying party paid a fee.
  5. The total fare charged.
  6. The telephone number of the cab company where a complaint may be directed.
- D. Rate Rules.
1. Zone Line Rates. When the destination of the taxicab is the dividing line between two zones, the fare for the lesser zone will be charged.

2. Children. One child five years of age or under shall ride free if accompanied by an adult passenger. No driver shall be required to convey any child under the age of five years unaccompanied by an adult.
3. Seniors. Passengers 62 years of age or older shall be granted a discount in an amount which shall be determined by the Common Council of the City of Oneonta in regulated fares.
4. Tip Solicitation. No driver shall solicit tips, gratuities or any additional charges other than those authorized by this article. However, non-solicited voluntary tipping is allowed.
5. Prepayment. A taxicab driver shall have the right to demand payment of the legal fare in advance and may refuse employment unless so prepaid.
6. Group Rides. No taxicab driver shall carry any person other than the passenger first employing the taxicab without the consent of such passenger.
7. Waiting Time. After a person has hired a taxicab, there shall be no charge for up to two minutes during which the taxicab waits for the passenger at the passenger's request. There shall be a charge in an amount which shall be determined by the Common Council of the City of Oneonta for each additional three minutes or any portion thereof. The taxicab driver shall inform the passenger of the charge for waiting time at the time of request.
8. Disputed Fares. In the event that there is a dispute between the taxicab driver and a passenger with respect to a fare, the taxicab driver shall submit the dispute to the City Clerk's Office. If the passenger then makes payment, the passenger shall be given a receipt by the taxicab driver of the amount paid, which shall be witnessed by the City Clerk or their designee. If the passenger pays under protest, such fact shall be recorded by the City Clerk or their designee, who shall make a memorandum of the dispute and the disposition made. The disposition of the dispute shall not be binding in a court.
9. Taxicab owner shall furnish each driver with a copy of the rate rules, supplied by the City Clerk, and shall instruct their drivers to apply the rules fairly and consistently, advising them that charges must not be exceeded under any circumstances.

## ARTICLE V, General Regulations

### § 272-18. Suspension and revocation of licenses.

- A. Owner's license. An owner's license may be suspended or revoked at any time by the City Clerk for a violation of this chapter or if the licensed owner is twice convicted within a period of six months of a violation of any state law or city ordinance relating to the operation of motor vehicles. Whenever any owner's license is revoked or suspended, it shall be surrendered to the City Clerk. In the case of a suspension, the license shall be retained by the City Clerk until the suspension expires. In a case of a revocation, the license shall be destroyed by the City Clerk. In the event that any person to whom an owner's license is issued has such license suspended on three separate and distinct occasions within a period of 18 months, the third suspension shall automatically result in a revocation.

- B. Driver's license. A driver's license may be suspended or revoked at any time by the City Clerk for a violation of this chapter and must be revoked if the driver is convicted of a misdemeanor or felony or indicted for a felony involving moral turpitude or upon two convictions within a period of six months of a violation of any of the traffic laws of the State of New York or ordinances of the City of Oneonta. In cases of suspension and revocation, the license shall be surrendered to the City Clerk. Upon termination of the suspension, it shall be returned to the licensed driver. Upon revocation, the license shall be destroyed by the City Clerk. A third suspension within a period of 18 months shall result in an automatic revocation of the license.
- C. Endorsement on license. Any suspensions of a license shall be noted on the face thereof by the City Clerk before the license is returned to the licensed owner or licensed driver.
- D. Appeal. Any person whose license has been suspended or revoked may ask for and receive a hearing before the Common Council within 45 days of making a written request for the same, and, at such hearing, the person may present such testimony as may be proper. After hearing the grievance, the Common Council, if satisfied that the action taken was, under the circumstances, more severe than necessary or that extenuating circumstances exist, may end the suspension or change the revocation to a suspension or direct that a new license be issued to replace the revoked license, and the Common Council may, in making such decisions, attach to them such stipulations and conditions as it may deem necessary or desirable in the case.

§ 272-19. Record of calls; availability for inspection.

Each operator shall maintain, for a period of at least one year, a record of all calls made and the name of the driver making such calls; said record shall be maintained at the taxicab company owner's base office and shall be available at any time for inspection by the Police Department or any other approved city personnel.

§ 272-20. Cruising; solicitation of fares.

A. Cruising.

- (1) "Cruising" shall mean the operation of a taxicab upon public streets when not employed by a passenger. Such activity shall be allowed. Taxicabs shall maintain proper traffic flow. The discharge and pickup of passengers is prohibited in those locations where stopping is not allowed by the New York State Vehicle and Traffic Law.
- (2) Cruising by a private livery car, private livery van or limousine shall be prohibited. Use of a private livery car, private livery van or limousine shall be by reservation only and shall be destination specific. At no time will a taxicab driver park a private livery car, private livery van or limousine in any location in the city in order to wait for fares. All private livery cars, private livery vans or limousines shall be parked at and dispatched directly from the place of business.

- B. Parking. No taxicab, while waiting employment by a passenger, shall stand on any public street in a meter zone other than at a taxicab stand designated or established in accordance with this chapter. Furthermore, at no time shall a taxicab cruise or sit idle in a public park or in designated areas reserved as "loading/unloading zones."

§ 272-21. Child Care Seats

- A. All taxicabs, private livery cars, private livery vans or limousines must have available a federally approved child car seat for each child passenger required to use a car seat under New York State law, if a request for such car seat has been made by a passenger in advance, at the time of a request by telephone for services.
- B. All others must maintain, in vehicles or at a terminal, a total number of federally approved car seats equal to twenty percent (20 percent) of the number of licensed vehicles and in no case less than one (1) car seat.
- C. Failure to comply with this section shall be grounds for revocation or nonrenewal of an owner's license.

§ 272-22. Taxicab stands.

The Common Council shall determine the number and location of taxicab stands.

ARTICLE V, Penalties

§ 272-23. Penalties for offenses.

Any person who shall violate any provision of this chapter shall be punished as provided in § 1-18 of this Code. Every day of such violation may be considered a separate offense.

**Section 2. This ordinance shall take effect January 1, 2012.**

APPROVED BY COMMON COUNCIL ON:            November 15, 2011

SIGNED BY MAYOR ON:                            December 7, 2011

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Richard P. Miller, Jr.