

DRAFT LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 200 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to
amend Chapter 200
of the Code of the
City of Beacon
concerning Taxicabs.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 200, Article I, Section 2 of the Code of the City of Beacon entitled “Definitions; word usage; license required” is hereby amended as follows:

§ 200-2 Definitions; word usage; license required.

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meanings given to them by this section. Whenever used in this chapter, pronouns and other references to persons and entities shall be considered to include the masculine and the feminine, and the singular and the plural, as the sense and neutral application thereof shall require.

CHIEF OF POLICE

The Chief of Police of the City of Beacon, or the officer designated by him to perform the duties and carry out the responsibilities assigned to the Chief of Police hereunder, unless otherwise specified.

CITY

The City of Beacon, New York, unless otherwise specified.

FARE

Either a customer or passenger paying or for whom a charge has been paid to hire a lawfully licensed taxicab for transportation services under this chapter; or the charge so levied and lawfully incurred by such passenger, according to the sense thereof as used herein.

MEDALLION

~~The metal plate, not exceeding six inches in diameter, which shall bear the taxicab license number of the vehicle.~~

OPERATOR

Any person owning or having control of the use of one or more taxicabs used for hire upon the streets of the City or engaged in the business of operating a taxicab or a taxicab company in the City of Beacon.

RATE CARD

A card on which is printed the tariff rates or fares charged for taxi service in the City as provided by this chapter.

STREET

Includes any street, alley, avenue, thoroughfare, court, bridge, lane or other public place in the City.

TAXICAB

Includes any motor vehicle engaged in the business of carrying persons for hire, whether the same is operated from a street stand or subject to calls from a garage or otherwise operated for hire, except vehicles subject to the provisions of the Transportation Law and exempted thereby from the provisions of this chapter, or used by funeral homes or undertakers in carrying on their business.

TAXICAB DRIVER

Any person who drives a taxicab available for hire or under hire, whether such person is the owner or lessee of such taxicab or employed by or in contract with a taxicab owner, operator or lessor.

TAXICAB DRIVER'S LICENSE

A license granted by the City to any otherwise qualified person to drive any licensed taxicab for hire or under hire upon the streets of the City.

TAXICAB LICENSE

A license granted by the City to any business or person to keep for hire any vehicle to be used as a taxicab in such City, each such license being specifically issued to one specified vehicle only.

TAXICAB STAND

Includes any place alongside the curb of a street or elsewhere which is exclusively reserved by the Chief of Police and/or by the codes and rules of the City for the use of taxicabs and specifically designated therefor, including, but not limited to, the Beacon Train Station.

TRIP SHEET

One or more sheets of paper upon which the driver and/or operator records information pertaining to each trip carrying one or more paying passengers, as described in this chapter.

Section 2. Chapter 200, Article II, Section 7 of the Code of the City of Beacon entitled “Form and terms of taxicab driver’s license” is hereby amended as follows:

§ 200-7 Form and terms of taxicab driver’s license.

- A. Upon satisfactory fulfillment of the foregoing requirements and upon the written approval of the issuance of a taxicab driver's license by the Chief of Police, the City Clerk shall sign and issue to the applicant a license which shall be in such form as to contain a photograph and signature of the licensee, and blank spaces upon which a record shall be made of any arrest or serious complaint against him. Each taxicab driver's license shall be stamped by the seal of the City upon at least a portion of the photograph. All taxicab driver's licenses shall be numbered in the order in which they are issued and shall contain the name and place of residence of the licensee and the dates of issuance and expiration of the taxicab driver's license. Any licensee who defaces, removes or obliterates any official entry made upon his taxicab driver's license shall be punished by the revocation of his taxicab driver's license.
- B. Taxicab driver's licenses shall be issued as of August 1 of each year, and shall be valid to and including July 31 next succeeding, unless previously suspended or revoked. A complete application, as determined in the sole discretion of the Chief of Police, for renewal of a taxicab driver's license must be filed with the City by July 1 of each year. Failure to submit a renewal application or submission of an incomplete application by July 1 of each year shall result in the payment upon renewal of a late fee as set forth in the City of Beacon fee schedule.[1] No temporary permit shall be issued except when an extraordinary public emergency arises affecting transportation of the public upon the streets of the City; such temporary permits when issued shall be upon such terms and conditions as the Chief of Police shall provide, but such temporary permit shall in no event be granted for a period longer than 10 days, and may be renewable for similar periods, from time to time as may be necessary, only upon the written recommendation of the Chief of Police. The fee for such temporary permits shall be the same as for a taxicab driver's license as provided in this chapter. Such license or permit shall be carried by the licensee at all times when operating or in charge of any taxicab.
- C. Taxicab driver’s licenses shall be placed in a transparent plaque or frame the size of four inches by six inches and shall at all times, when the driver is operating the cab for hire, be attached inside the taxicab in a position readily visible to the passengers of said taxi and to persons looking in or through the window of the rear door on the right or passenger side thereof.

Section 3. Chapter 200, Article III, Section 11 of the Code of the City of Beacon entitled “License of vehicles; application; trip sheet” is hereby amended as follows:

§ 200-11 License of vehicles; application; trip sheet.

- A. Each vehicle shall be required to obtain a separate taxicab license.
- B. It shall be unlawful for any person, firm, copartnership or corporation to operate or permit to be operated a taxicab upon the streets of the City of Beacon without first having obtained therefor a taxicab license under the provisions of this chapter from the Chief of Police. Such license shall be issued as of August 1 and shall expire on July 31 next succeeding, unless sooner suspended or revoked. Application for a taxicab license shall be made by the owner upon blank forms furnished by the Chief of Police through the office of the City Clerk. Such application shall contain:
 - (1) The name, date of birth and residence of the person applying for the license; proof of his ownership and/or legal authority over each such vehicle, and what, if any, previous experience he has had in the business of owning, furnishing, leasing, operating, driving, repairing or other enterprises in connection with providing transportation or related services for hire or charge.
 - (2) The type of motor car to be used, the factory number, the state license number, the number of years the vehicle has been driven, and the seating capacity according to its trade rating.
 - (3) Whether and when the vehicle has ever been previously licensed to operate a taxicab, and if so, where.
 - (4) Whether license to operate a taxicab has ever been revoked, and if so, for what cause.
 - (5) Proof of a public liability insurance policy, written by an insurance company licensed to do business in the State of New York.
 - (6) A copy of the New York State vehicle registration and expiration date of current New York State motor vehicle inspection and sticker number. The full address of the registered owner must be on the Department of Motor Vehicles registration. Post office box numbers are not acceptable.
 - (7) Such other information as the Chief of Police may deem necessary.
- C. The applicant must attach to his application a schedule showing the rates of fare to be charged to and from points within the City limits and to and from points outside City limits. In addition thereto, said schedule shall set forth the amount charged for waiting

time, any special charges, and amounts charged per mile outside the limits of the City of Beacon.

D. Every company operating any taxicab shall designate an employee such as a dispatcher or other such person who shall be responsible to keep and maintain a trip sheet at all times during the operation of such taxicab.

(1) Such trip sheet shall record, at a minimum, the following information:

- (a) The name and driver's license number of each and every driver operating such vehicle for the trips recorded on the trip sheet;
- (b) Date, commencement time by hour and minute and origin point of each trip for each passenger;
- (c) Date, dropoff or termination time by hour and minute and destination or termination location of each trip for each passenger;
- (d) Fare charged and collected for each trip for each passenger;
- (e) Date, time by hour and minute and location of any accident or breakdown causing an interruption or discontinuance of the operation of such taxicab and a description thereof;
- (f) The issuance of any citation or violation of any law, rule or code involving the operation of such taxicab and/or the conduct of the driver of same.

(2) The proprietor, operator or owner of any taxicab business shall produce any and all such trip sheets for any and all taxicabs operated, owned or controlled by such persons upon demand therefor by any police officer.

(3) All such trip sheets shall be retained and kept on file and made available for audit, examination and inspection by any City law enforcement or code enforcement officer at all reasonable times for a minimum period of two years by every owner, operator and/or proprietor of every taxicab and company operating and/or owning same.

Section 4. Chapter 200, Article III, Section 13 of the Code of the City of Beacon entitled "License card; medallion" is hereby amended as follows:

§ 200-13 License Card.

If, upon inspection, a taxicab is found to be of lawful construction and in proper condition, in accordance with the provisions of this chapter and if the issuance of a taxicab license therefor is approved by both the Chief of Police and upon the payment of the license fee hereinafter set forth, the same shall be licensed by delivering to the

owner a card of such size and form as may be prescribed by the Chief of Police. The card shall contain the official license number of the taxicab, together with the date of inspection of the same. Such card shall be signed by the City Clerk and shall contain blank spaces upon which an entry shall be made of the date of every inspection of the vehicle. The license card shall be a distinctly different color each year. Any licensee who defaces, obliterates or changes any official entry made upon his license shall have his license revoked. If a taxicab shall be disabled, disqualified for service or sold, the Chief of Police may in his or her discretion permit the use of a license granted for such taxicab to be transferred to another taxicab or to the new owner thereof, provided such taxicab or such owner complies with the provisions of this chapter. The owner or operator of said taxicab may, at any time, file with the Chief of Police a statement showing that new or different rates are to be charged thereafter for the use and hire of any taxicab so owned by him.

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Section 5. Chapter 200, Article III, Section 14 of the Code of the City of Beacon entitled “Regulations governing issuance and use of medallions” is hereby deleted:

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Section 6. Chapter 200, Article III, Section 16 of the Code of the City of Beacon entitled “Denial, suspension or revocation of taxicab licenses” is amended as follows:

§ 200-16 Denial, suspension or revocation of taxicab licenses.

- A. No taxicab license shall be issued to an applicant who has failed to comply with §§ 200-11 and 200-12, nor shall any license be issued to any applicant who has violated any provision of Chapter 200.
- B. Upon complaint of any person, taxicab licenses may be revoked or suspended at any time for cause by the Chief of Police if the vehicle shall be used for immoral or illegal business, or for a violation of any ordinance or state law governing the operation of motor vehicles or if a fare in excess of the rate of fare on file for said taxicab shall knowingly be charged for the use of said taxicab or for picking up passengers or solicitation of passengers in violation of this chapter. When the license is suspended or revoked, the taxicab license shall be forthwith taken from the licensee, and the City Clerk shall be notified of such suspension or revocation.
- C. Review of denial, revocation or suspension. The City Administrator shall hear and decide appeals taken from any determination made by the Chief of Police or his designated agent which denied, revoked or suspended such driver and/or vehicle license. Any applicant who shall have been refused a license, or a license holder whose license shall have been revoked or suspended, may appeal to the City Administrator for review of such denial, revocation or suspension as set forth in this chapter. The

failure of an aggrieved party to take an appeal within 10 business days of receipt of such denial, revocation or suspension shall constitute a waiver of right to appeal. Appeals shall be heard pursuant to the provisions of § 200-28 of this chapter.

Section 7. Chapter 200, Article IV, Section 22 of the Code of the City of Beacon entitled “Payment of fares; abandonment of business” is amended as follows:

§ 200-22 Payment of fares; abandonment of business.

- A. Prepayment. Every driver of a taxicab shall have the right to demand payment of the legal fare in advance and may refuse employment unless so prepaid, but no driver of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request anywhere in the City unless previously engaged or unable to do so.
- B. Disputed fares. All complaints as to fares shall be submitted, in writing, to the City Clerk on a form provided by the City. The complaint shall provide a brief description of the nature of the facts, the date, time and place of the incident, the name of the taxicab company and operator, if known, and the name, address and telephone number of the person making the complaint. The same will be forwarded to the Chief of Police, or his or designee, for review and investigation. The taxicab owner or operator shall have an affirmative obligation to provide the relevant trip sheet to the Chief of Police, or his or her designee, in furtherance of his investigation. Failure to provide said trip sheet to the Chief of Police or his designee shall result in an automatic finding in favor of the complainant. Within 30 days from the date the complaint form is submitted to the City Clerk, the Chief of Police, or his or her designee, shall issue a written finding, which shall be provided to the complainant and taxicab company and/or operator. Failure to comply with such determination shall subject the party offending to a violation of this chapter, punishable by a fine not exceeding \$250, up to 15 days in jail, or both. Whenever a passenger asks for a receipt, it shall be given to him by the driver. Such receipt shall show the name of the driver, the name of the owner of the taxicab, the number of the taxicab, the time when the trip began and ended and the amount of fare collected.
- C. Overcharge. No person shall charge or attempt to charge any passenger a greater rate of fare than that to which the taxicab is entitled under the provisions of this chapter.
- D. The failure to operate a taxicab in the taxi business for a ninety-day period shall be deemed an abandonment, and the license shall be returned.
- E. No person shall be allowed to ride on the seat with the driver except paying passengers, and any driver who shall permit this may be deprived of his license. It shall be the duty of all police officers to notify the Chief of Police of any violation of this provision.

Section 8. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 200 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 9. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 10. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 11. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.