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County
City
Town
Village
of Broome

Local Law No. 3 **of the year 20**10

A local law Amending Chapter 85 of the Administrative Local Laws, as Amended
(Insert Title)
Regarding Taxicabs

Be it enacted by the Legislature **of the**
(Name of Legislative Body)

County
City
Town
Village
of Broome **as follows:**

Section 1. Chapter 85 of the Administrative Local Laws entitled, "Airport: Ground Transportation Services" is hereby repealed effective June 30, 2010.

Section 2. **CHAPTER 85 TAXICABS**
GENERAL REFERENCES

Pursuant to General Municipal Law § 181, constituent municipalities of the County of Broome now having the authority to enact ordinances, may adopt ordinances regulating the registration and licensing of taxicabs.

Article I
General Provisions

§ 85-1. Applicability

This chapter shall apply to all taxicabs, limousines, vans and/or other vehicles, utilized in the business of transporting passengers for compensation, as defined herein, which nonexclusively load or discharge passengers in the County of Broome and the taxicab drivers and operators of those vehicles. For purposes of this chapter, the actions of taxicab drivers shall be treated as actions of the owner of said vehicles.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

DOS-239 (Rev. 11/99)

§ 85-2 Definitions

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.

COUNTY- The County of Broome, New York, unless otherwise specified.

COUNTY TRANSPORTATION FACILITY- Any County owned or operated property used for the purpose of transportation to include the Greater Binghamton Airport and Greater Binghamton Transportation Center.

DIRECTOR OF SECURITY- The Director of Security of the County of Broome, or the officer designated by him to perform the duties and carry out the responsibilities assigned to the Director of Security hereunder, unless otherwise specified.

EXEMPT VEHICLE - Any motor vehicle which is used for commercial transportation purposes for charge or hire by paying passengers or persons for whom a fare has been paid but which is, or is being used as an ambulance, a truck carrying freight or otherwise engaged in interstate commerce; a van or other like vehicle used for transportation of disabled, frail or elderly persons; a bus or van used for school or educational purposes; a bus or other vehicle used for mass transit; or a vehicle being used in a funeral or for such other purpose as the law or the Director of Security may determine to be exempt from the provisions of this chapter.

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.

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

RATE CARD - A card on which is printed the tariff rates or fares charged for taxi service in the County.

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

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 County to any otherwise qualified person to drive any licensed taxicab for hire or under hire upon the streets of the County.

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

TAXICAB NUMBER - A number included on each taxicab vehicle license and sticker issued by Director of Security; each vehicle so licensed shall be assigned one unique number as described in this chapter.

TAXICAB STAND- Includes any place alongside the curb of a street or elsewhere which is exclusively reserved by the Director of Security and/or by the codes and rules of the constituent municipalities of the County for the use of taxicabs and specifically designated therefore.

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.

Article II
Taxicab Requirements

§ 85-3 Business license required; application

A. It shall be unlawful for any person, corporation or entity to operate a taxicab business that has fares originating within the County, or further, has fares which bring the taxicab business into the County more than five (5) times a year, without first having obtained and paid for a license to operate such business and causing the same to be and remain in force and effect at all times under the provisions of this chapter. Application for such license shall be made available by the Director of Security and shall be accompanied by an annual fee as determined by resolution of the Broome County Legislature. Upon the issuance of a taxicab business license, each such company shall be assigned a unique identification number pursuant to §85-13C of this chapter.

B. One application for each taxicab business license shall be made by the owner or other person with legal authority over same upon blank forms furnished by the Director of Security. Such application, which shall be signed and sworn to by the applicant and filed with the Director of Security as a permanent record, shall contain at a minimum:

(1) His full name, current residence, phone number (home, work, cellular), age, date of birth, and whether he is a citizen of the United States.

(2) Whether he has been previously licensed to operate a taxi service and in what municipality, and if so, whether his license has ever been suspended or revoked and for what cause. 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.

(3) The company name, business address and the telephone number from which the applicant will operate the taxicab business, the address, phone number and date of birth of the business contact person if other than the owner, the address of the vehicle maintenance facility, and the address of the dispatching facility.

(4) Proof of New York State Workers' Compensation Insurance, if the taxicab company is required to carry such insurance, in a form and amount as required by New York State law.

(5) A copy of the established rates for fare for transport within, throughout and outside County limits along with all established additional fees for any service provided by the taxicab company to a passenger pursuant to §85-19(4)(a) of this chapter.

(6) Such other information as the Director of Security may deem necessary.

§ 85-4 Licenses required

It shall be unlawful for any person to drive, operate, offer or keep for hire or charge within the limits of the County any taxicab or other motor vehicle providing transportation service for charge or fee without first having obtained and paid for a taxicab driver's license and a taxicab vehicle license, and all other licenses and permits required by law, and causing the same to be and remain in force and effect at all times under the provisions of this chapter.

§ 85-5 Driver's license required

No person shall drive a taxicab and no person shall permit anyone to drive a taxicab within the limits of the County without such driver having first obtained and paid for, and having in force and effect at all times, both a valid New York State driver's license of the appropriate class and certification, including but not limited to a chauffeur's license, and a taxicab driver's license issued under the provisions of this chapter.

§ 85-6 Taxicab driver's license application

A. Each applicant for a taxicab driver's license must comply with the following requirements and provide the required information to the satisfaction of the Director of Security:

(1) He must first have obtained all required state licenses, including a state chauffeur's license. The full residence address of the applicant must be entered on the Department of Motor Vehicles Driver's License. P.O. Box numbers are not acceptable.

(2) Must be of good eye sight and not subject to any medical condition of body or mind which might render him unfit for the safe operation of a public vehicle, and the applicant shall affirm to such physical status in writing.

(3) Must produce, on forms provided by the Director of Security, affidavits of good character from two (2) reputable citizens of the County who have known the applicant personally and have observed their conduct for at least one (1) year preceding the date of the application, unless at the option of the Director of Security, sufficient reason is given for its omission.

(4) He shall fill out, upon forms provided by the Director of Security, a statement which shall be signed and sworn to by the applicant and filed with the Director of Security as a permanent record which shall contain the following:

(a) His full name, current residence, places of residence for the five (5) years immediately preceding his moving to his present address, age, date of birth, height, color of eyes and hair, place of birth, whether a citizen of the United States, places of previous employment for the immediate past five (5) years, and whether married or single;

(b) Whether he has ever been convicted of a felony or misdemeanor or any offenses involving illegal drugs, or alcohol, or domestic violence, or a sexually related offense or has any pending charges for any offense;

(c) Whether he has been previously licensed as a driver or chauffeur and, if so, whether his license has ever been revoked and for what cause, the number of the chauffeur's license issued by the state, and the company name, business address and telephone number from which the applicant will operate and/or drive any taxicab.

(5) He shall additionally submit to the following requirements:

(a) A drug screening test, performed on the date of the applicant's submission, from a laboratory as directed to by the Director of Security which performs approved drug abuse testing indicating the applicant does not use controlled substances unless prescribed by a licensed health-care provider, the results of which test shall be submitted directly to the Director of Security. All costs associated with the testing required for application and renewal as may be required by the Director of Security shall be included in the non-refundable application or renewal fee;

(b) Review of his New York State Department of Motor Vehicles driver's license abstract which shall be requested by the Director of Security and true and accurate copies of certificates of disposition for any and all arrests of such applicant. All costs associated with the driver's license abstract required for application and renewal as may be required by the Director of Security shall be included in the non-refundable application or renewal fee;

(c) A photograph taken at the time of the filing of the application by the Director of Security. All costs associated with the photograph required for application and renewal as may be required by the Director of Security shall be included in the non-refundable application or renewal fee;

(d) Submission of his fingerprints taken by such vendor as may be designated by the Director of Security. The Director of Security is hereby authorized to submit such fingerprints to the New York State Division of Criminal Justice Services for a non-criminal applicant fingerprint inquiry for the purpose of conducting a criminal history and background check for such applicant. The Director of Security shall be responsible for reviewing the criminal history record information disseminated by the Division of Criminal Justice Services which shall be used by the Director of Security to evaluate and determine the qualifications and fitness of such applicant to be issued a license hereunder. All costs associated with the non-criminal applicant inquiry required for

application are the responsibility of the applicant and shall be paid directly to the designated vendor.

B. Each application for a driver's license shall contain the following statement:

	"PURSUANT TO THE NEW YORK STATE PENAL LAW § 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN."

C. Any false statement knowingly made by the applicant in an application for a taxicab driver's license shall be promptly investigated by the Director of Security and reported to the District Attorney of Broome County if appropriate and shall result in the denial of such application or revoking of an issued license.

D. The Director of Security is hereby authorized and empowered to require such additional information as same shall be reasonably related to the applicant's fitness and/or eligibility as he may deem necessary from any applicant for any license required by this chapter. The Director of Security is hereby authorized to waive the production of any information from any applicant as may otherwise be required under this chapter if in his opinion such requirement is unreasonable, unnecessary, inappropriate or unjust under the circumstances.

§ 85-7 Application fee; approval of Director of Security

A. The filing required by this chapter for a taxicab driver's license shall be accompanied by a nonrefundable application fee as determined by resolution of the Broome County Legislature.

B. Applications with photograph, criminal history report information, drug test results, and driver's license abstract attached shall forthwith be sent to the Director of Security, and no license shall be issued under the provisions of this chapter until the approval of the issuance of such license(s), in writing, from the Director of Security. The Director of Security shall conduct an investigation of each applicant for a taxicab driver's license, and the report of this investigation and a copy of the traffic and police record, if any, shall be attached to the application and filed. The Director of Security shall refuse to issue or renew a driver's license if the driver:

(1) Does not meet a qualification for a license; or
(2) Has made a material false statement on the application; or
(3) Has submitted a drug screening test with a positive result or has refused to submit to a test or has failed to provide a test result or information regarding same; or
(4) Has been convicted of, pleaded guilty to or forfeited bond or collateral upon any of the following charges, whether the conviction, plea or forfeiture occurred in the State of New York or elsewhere:
   (a) Any offense which constitutes a "serious offense," as the term is defined by § 265.00 of the Penal Law of the State of New York or any act supplementary thereof or amendment thereto; or
   (b) Has accumulated, within the past 18 months, eleven (11) or more points on his driver's license, as such points are determined by the Department of Motor Vehicles of the State of New York; or
(5) Has had any taxicab driver's license or a similar license or permit revoked.

C. The Director of Security shall notify the applicant, in writing, of any refusal to approve any application and the reason therefore.

D. If a prospective applicant has been convicted of a specified criminal activity, any decision regarding such prospective applicant's fitness for a license shall be made upon consideration of New York State Correction Law §§701-703-b and §§751-753. The Director of Security shall be authorized to approve a taxicab driver's license if an applicant is otherwise ineligible based on the contents of this section if at the request of said applicant the Director of Security reviews any extenuating circumstances for a prior conviction for any offenses pursuant to §85-7B of this chapter and finds that the applicant is suitable for a taxicab driver's license.

§ 85-8 Form and terms of taxicab driver's license fee

A. Issuance and form. Upon satisfactory fulfillment of the foregoing requirements and upon the payment of a nonrefundable driver's license fee, the Director of Security shall 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 may be made of any arrest of or such complaint(s) against him as may be required by the Director of Security. Each license shall be stamped by the seal of the County 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 driver's name and expiration date of the license.

B. Tampering. Any licensee who alters, defaces, mutilates, changes, removes or obliterates any official entry made upon his license, or of any other form, format, color, content or component thereof, shall be punished by the revocation of his license.

C. Duration. Taxicab driver's licenses shall be valid for one calendar year from the date of issue and shall remain valid unless otherwise revoked or suspended for the next succeeding calendar year up to the anniversary of the date of issue.

D. Display. Each such license shall be placed in a transparent plaque or frame of a size which shall be determined by the Director of Security at all times when the driver is operating the cab for hire, in a position readily visible to the passengers of said taxi and to persons looking in or through the window of the front door on the right or passenger side thereof.

E. Replacement. In the event a driver's appearance changes substantially or a drivers license must be replaced, the driver shall have a new photograph taken by the Director of Security and shall accompany such photograph with an application fee as determined by resolution of the Broome County Legislature.

§ 85-9 Renewal of taxicab driver's license; fee.

A. When applying for a renewal of a taxicab driver's license, every applicant shall make such application at least thirty (30) days prior to its expiration upon a form to be furnished by the Director of Security, which shall be filled out with the full name and address of the applicant, together with a statement of the date upon which the original license was granted and the number thereof and such other information as the Director of Security may deem necessary. The Driver shall submit to a drug screening test performed in accordance with the requirements of §85-6A(5)(a)

above. The Driver shall also be subject to review of his New York State Department of Motor Vehicles driver's license abstract in accordance with the requirements of §85-6A(5)(b) above. Such application for renewal shall be accompanied by a nonrefundable fee as determined by resolution of the Broome County Legislature.

B. Each application for renewal of license shall contain the following statement:

	"PURSUANT TO THE PENAL LAW § 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN."

C. Applications for a renewal of a taxi driver's license submitted less than 30 days prior to the expiration date of same shall be treated as a new application and shall be subject to the requirements and fess of this chapter.

§ 85-10 Taxicab driver's licenses not transferable; fees not prorated

Such licenses shall not be transferable. No license fee shall be prorated or refunded. Each fee in its entirety shall accompany each application therefore.

§ 85-11 Suspension or revocation of taxicab companies' right to operate; suspension or revocation of driver's license or permit; relicensing

A. The Director of Security shall monitor and record the number of convictions of violations of County Code and of the laws, codes and rules of the State of New York pertaining to and arising out of the operation of every driver, vehicle and company of one (1) or more taxicabs in the County. License holders shall disclose any violations of convictions of the above to the Director of Security within thirty (30) days. Unreported convictions may result in suspension or revocation of the driver's license, vehicle license and/or right of the owner and/or operator of the company employing such driver(s) and/or owning such vehicle(s) for such period as shown.

B. When the number of separate convictions, including guilty pleas accumulated over the indicated period of time as shown in the following charts, equals or exceeds the number shown, the Director of Security shall notify the driver and the operator and/or owner of the vehicle and company of such number. The Director of Security shall suspend the driver's license, vehicle license and/or right of the owner and/or operator of the company employing such driver(s) and/or owning such vehicle(s) for such period as shown, or revoke same.

Taxicab Driver's License				
Period of Time (most recent)	6 Months		12 Months	
Number of Violations	5	7	7	9
Penalty	Suspend 6 months	Revocation (12 + months)	Suspend 6 months	Revocation (12+ months)
Taxicab Vehicle License				
Period of Time (most recent)	6 Months			
Number of Violations	5	7		
Penalty	Suspend 6 months	Revocation (12+ months)		
Taxicab Business License				
Period of Time (most recent)		6 Months		
Number of Violations	10 times number of vehicles	15 times number of vehicles	20 times number of vehicles	
Penalty	Suspend 3 months	Suspend 6 months	Revocation (12+ months)	

C. The penalties provided for herein shall be in addition to and not instead of any and all other penalties provided under this chapter or County Code provisions or any law, rule or regulation of the state or federal government or other regulatory authority.

D. Suspension or revocation of a taxicab driver's license. A taxicab driver's license or permit may at any time be suspended or revoked for cause after a hearing by the Director of Security. Upon making a determination to revoke or suspend a taxicab driver's license, the Director of Security shall notify the holder of the license and any owner or operator by which he is employed of such decision, in writing, by certified mail to the last address set forth in the County's records and shall state the reasons for his decision in such notice. Any such suspension shall be noted on the license, together with a statement of the reason therefore, and the driver shall be deprived of his license by the official suspending or revoking such license. The driver shall return the license to the Director of Security as the license is property of the County. The license shall be returned at the expiration of the period for which it was suspended. A second suspension for the same reason or, in any case, a third suspension of a

taxicab driver's license shall revoke the license. A driver having his license reissued to him after a suspension shall be subject to a reissuing fee as determined by resolution of the Broome County Legislature.

E. Relicensing of drivers. No driver whose taxicab driver's license has been revoked shall be again licensed as a taxicab driver in the County, unless upon the presentation of reasons satisfactory to the Director of Security. If a taxicab driver's license is issued to a driver who has had their license revoked after presenting satisfactory reasons to the Director of Security, the application shall be treated as a new application and not as a renewal application.

F. Appeal of suspension or revocation. Any suspension of a taxicab driver's license may be appealed by submitting a written appeal to the Broome County Commissioner of Public Works with ten (10) days of the suspension or revocation by the Director of Security. The Commissioner of Public Works may uphold or appeal the decision of the Director of Security based on the documentation provided by the Director of Security and the written letter of appeal.

§ 85-12 Recordkeeping

There shall be kept in the office of the Director of Security a complete record of each license or permit issued to a driver and of all renewals, suspensions and revocations thereof, which record shall be kept on file with the original application of the driver for a taxicab driver's license.

§ 85-13 Taxicab vehicle license required; fee

A It shall be unlawful for any person to drive, operate or permit to be operated a taxicab upon the streets of the County or to solicit or pick up taxicab passengers within the County without first having paid a nonrefundable fee as provided for herein for each such vehicle so licensed and without first having obtained for each such vehicle a taxicab vehicle license under the provisions of this chapter from the Director of Security. Such license shall be valid for one (1) calendar year from the date of issue and shall expire on the anniversary of the date of issue of the next succeeding calendar year unless sooner suspended or revoked. It shall be unlawful for any person to drive, operate or keep for hire or pay within the limits of the County any taxicabs not equipped as required by §85-19 or which has not been inspected as required by §85-18 or which does not display the inspection sticker as required by §85-18J.

B. The annual fee for each vehicle so licensed shall be determined by resolution of the Broome County Legislature.

C. For each vehicle licensed as a taxicab hereunder, the Director of Security shall issue a sticker of uniform design. Each sticker shall display a unique number as provided in this section and shall show the expiration date of said taxicab vehicle license. Each sticker shall also display the vehicle identification number for the vehicle being licensed as a taxicab. Such sticker shall be affixed to the inside of the left rear window of the vehicle for which same shall have been issued, so as to be clearly visible. Each taxi company shall be assigned a unique number and each vehicle operated by each such company shall be assigned a unique number with said company; thus, each vehicle shall have a unique number in the form AB-CD where AB is the number assigned to the company and CD is the number assigned to each vehicle operated by each such company.

D. The acceptance by an owner or operator of a license issued under this chapter is conditioned upon and shall be sufficient evidence of the continuing consent of such owner or operator and of the driver of each and every taxicab vehicle to display the public notice as required by and described in §85-17 of this chapter and to consent to any such stop and visual inspection by any law enforcement agency within the County.

E. The County shall issue new stickers as described in this section annually or at such other times as the County shall determine to be appropriate and necessary.

§ 85-14 Taxicab vehicle license application

A. One application for each taxicab vehicle license shall be made by the owner or other person with legal authority over same upon blank forms furnished by the Director of Security. Such application shall contain at a minimum:

(1) The name, age and residence of the person applying for the license, proof of his ownership and/or legal authority over each such vehicle and if other than the owner, the name, age and residence of the person or persons to be in immediate charge of the driving of each such taxicab;
(2) For each such vehicle, the type of motor vehicle to be used, the horsepower, the vehicle identification number, the state license and registration numbers and the seating capacity according to its trade rating;
(3) Whether and when the vehicle has ever been previously licensed to operate as a taxicab or vehicle for hire and, if so, where;
(4) Whether such vehicle's license to operate as a taxicab or vehicle for hire has ever been revoked or suspended, when, and for what cause;
(5) Copy of 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. P.O. Box numbers are not acceptable;
(6) Proof that the vehicle is covered by a current for-hire insurance policy shall be attached to the application in the form of a certificate of insurance. Broome County shall be a certificate holder on the policy;
(7) Such other information as the Director of Security may deem necessary;

B. Miscellaneous.

(1) Each taxicab vehicle license application shall contain the following statement:

"PURSUANT TO THE PENAL LAW § 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN."

(2) Any false statement knowingly made by the applicant in an application for a taxicab driver's permit shall be promptly investigated by the Director of Security and reported to the District Attorney of Broome County if appropriate and shall result in the denial of such application or revoking of an issued license.
(3) The application must include the approved assigned unique official taxicab vehicle number assigned by the Director of Security, which shall be added to

such application by the applicant or Director of Security when such application is approved.

§ 85-15 Insurance required

A. No taxicab company shall be licensed as a taxicab company hereunder unless it carries a New York State Workers' Compensation Insurance Policy as required by New York State law. In lieu of a worker's compensation policy, a waiver issued by the New York State Workers' Compensation Board may be submitted.

B. No vehicle shall be licensed as a taxicab hereunder unless it has a for-hire insurance policy in effect to include a public policy for damages for death or injuries to persons in the amount provided in the laws, rules and regulations established by the State of New York as the minimum required of any vehicle operated as a taxicab.

C. The certificate face shall:

(1) Indicate coverage and minimum amounts as prescribed by the laws of New York State;

(2) Provide that the coverage shall not be cancelled, terminated or materially changed until at least thirty (30) days prior written notice has been given to the Broome County Office of Risk and Insurance.

D. The certificate holder should read:

Broome County Office of Risk and Insurance
P.O. Box 1766
Binghamton, NY 13902

E. If the applicant fails to procure or maintain the required coverage and minimum limits, such failure shall constitute a material breach of this chapter and shall result in denial or revocation of the license.

§ 85-16 Refusal/revoking of license

The Director of Security shall refuse a taxicab vehicle license or, if already issued, shall revoke or suspend a license if the vehicle is unsuitable for public patronage by virtue of being unclean, unsafe or out of compliance with any applicable law, rule or regulation, or if, in the discretion of the Director of Security, the design, capacity or other specifications of such vehicle render it unsuitable for use as a taxicab.

§ 85-17 Taxicab vehicle license card

If upon inspection a vehicle is found to be in proper condition and in compliance in accordance with the provisions of all applicable laws, rules and regulations and, upon the approval of the application for a taxicab vehicle license and the payment of the license fee hereinafter set forth, such vehicle shall be licensed by delivering to the owner a card of such size and form as may be prescribed by the Director of Security. The card shall contain the official license number of the taxicab vehicle, vehicle identification number, the name, address and phone number of the owner of the vehicle and a statement to the effect that, in case of any complaints, the Director of Security shall be notified, giving the license number of the taxicab and the telephone number and address via which such complaints may be made. Such card shall be signed by the Director of

Security. The taxicab vehicle license number assigned hereunder shall, in each case, be the same as that assigned to the vehicle for that year pursuant to law. Taxicab vehicle license cards must be displayed in a prominent place visible to all passengers in the taxicab vehicle for which the license card is issued as determined by the Director of Security. For each such vehicle, the license number shall correspond to the number appearing on the sticker required to be affixed to the left rear bumper of each such vehicle as required by this chapter.

Article III
Inspection Criteria

§ 85-18 Vehicle inspections required; reports of inspection; expiration of inspection

A. Taxicabs are to be inspected annually at a private New York State licensed inspection station. Such inspection shall occur once per year as required by the New York State Vehicle and Traffic Law and regulations.

B. No vehicle shall be licensed as a taxicab pursuant to this chapter until it has been inspected and examined and found to be in a thoroughly suitable condition for the transportation of passengers, clean, fit, of good appearance, well painted in accordance with this chapter and in complete compliance with all requirements of the County Code and with all other applicable laws, codes and regulations, including that each such vehicle shall bear taxi or livery license plates issued by the New York State Department of Motor Vehicles. The Director of Security or someone designated by him or her shall make such inspection and examination before a taxicab vehicle license is issued. The Director of Security shall refuse to license, or if already issued revoke or suspend a license of any vehicle found by him or any law enforcement officer to be unsuitable for public patronage.

C. In addition to the pre-licensing inspection, it shall be the responsibility of each operator, owner and driver of a taxi applying for or licensed in the County as a taxicab vehicle to cause such vehicle to be inspected by the Director of Security or his designee all licensed taxicabs at intervals of not more than 180 days, or upon receipt of notification from the Director of Security that a complaint has been submitted, or as often as may be necessary. Reports of all inspections shall be filed with the Director of Security. Failure to comply with inspection requirements or notifications shall result in a suspension or revoking of the taxicab vehicle license.

D. A copy of the inspection report shall be given to the vehicle owner and/or operator and/or driver and the Director of Security at the completion of the inspection.

E. For each inspection performed by the Director of Security or his designee pursuant to this chapter, the applicant shall pay a fee as determined by resolution of the Broome County Legislature.

F. The inspection of the taxi shall include, but not be limited to, a review of the following and shall also include an inspection of those items listed in §85-19 of this chapter:

(1) Tires. (Suitability for weather and hubcaps)
(2) Exterior lights (including reverse, license plate, parking lights, directional lights, and roof light).

(3) Interior lights.
(4) Windshield/all glass.
(5) Windshield wipers, washers.
(6) Front and rear window defrosters.
(7) Horn.
(8) Upholstery.
(9) Floorboards/floor mats.
(10) Door handles, inside and out.
(11) Doors and windows.
(12) Body damage and rust (including bumpers).
(13) Paint.
(14) Heater and air conditioner.
(15) Mirrors (inside and out).
(16) Seat belts.
(17) Muffler and exhaust system (noise, fumes, smoke, visible and otherwise).
(18) Fluid leaks.
(19) Wheel covers or hubcaps.
(20) Smoking prohibited sign.
(21) Any other items as relates to the cleanliness and operability of the vehicle as a taxicab suitable for public use that the Director of Security may deem appropriate.

G. Upon receipt of a report which finds a taxi to be unfit or unsuited for public patronage or which shall fail to comply with the requirements of this chapter, the licensing official shall refuse a license or shall revoke or suspend the license previously issued. Repair work which is required after inspection of a taxi must be completed within five (5) business days of the inspection, and satisfactory proof of repair shall be presented to the Director of Security. The taxicab vehicle license shall be temporarily suspended until which time the vehicle has the completed work done to the satisfaction of the Director of Security. Failure to make necessary repairs and to present satisfactory proof with ten (10) business days shall result in the taxicabs vehicle license being revoked. Taxicabs that do not have the required repair work completed within five (5) business days of the initial inspection shall be subject to a re-inspection fee as determined by resolution of the Broome County Legislature. Taxicabs that schedule an inspection appointment and are not present at the time of the appointment shall be charged the inspection fee.

H. Upon receipt of a report which finds a taxi to be fit for public patronage, the Director of Security or his designee will issue a suitable inspection sticker with the month and year of inspection expiration marked out. The inspection sticker shall also include the unique vehicle number assigned by the Director of Security.

J. Upon being issued a County taxi inspection sticker, the inspector will affix the sticker by placing it on the rear bumper left side of the vehicle where it shall be clearly visible and available for inspection at all times while said vehicle is licensed within the County.

K. It shall be unlawful to possess or display a forged, altered or unauthorized County inspection sticker.

L. The Director of Security may additionally inspect or cause to be inspected all taxicabs from time to time, as often as he may deem necessary for the public health, safety and welfare. Said inspections shall not be evidence to be used against the County with respect to any claim of liability, and the County assumes no special duty or obligation to any person with respect to same, but shall be evidence merely that the licensee has had inspections made as required by this chapter.

M. No vehicle shall operate within the County with an expired taxicab's vehicle inspection sticker and shall not be operated within the County until it is inspected and has received an approved, valid inspection sticker from the Director of Security or his designee.

Article IV
General Operations

§ 85-19 Taxicab vehicle markings, safety and equipment; owner, operator and/or driver responsibilities

A. Taxi vehicle identification:

(1) Taxicab markings must be permanently displayed on both front doors of each vehicle. Markings must include taxi owner or company name, taxicab number, the words "taxi" or "taxicab" or "cab," and Broome County, New York.
(2) The taxicab number must also be permanently and visibly displayed on the rear of such vehicle (left and right rear fenders and left side of trunk lid or tailgate).
(3) Taxis shall each be numbered, with a unique four-digit number. Each company duly licensed will be assigned a two-digit number (for example, Company A = 20, Company B = 30, etc.) Each taxicab vehicle will be assigned a two-digit number within each company. Thus each vehicle shall have a unique four digit number, the first two indicating the company and the second two indicating the vehicle within the company fleet. Numerical assignments are to be approved by the Director of Security.
(4) Each taxicab vehicle shall prominently display on the outside of the driver's side door and on the outside of the front passenger's side door the schedule of fares. In addition, each taxicab vehicle shall prominently display such information on a fare card in the interior of the vehicle such that it is clearly visible and readable by all potential passengers and the Director of Security. Such fare card shall be available for inspection immediately upon the request of any passenger or potential passenger.

(a) Such schedule of fares shall list, at a minimum, the following information:

[1] Fees charged to passengers for the hire of such taxicab for trips originating and ending within the City of Binghamton, Towns of Dickinson, Maine, Union and Vestal and the Villages of Endicott and Johnson City;
[2] The operator's policy as regards to the number of occupants who constitute a regular fare and any additional charges for additional passengers beyond such number;
[3] Any fees not included in the posted fare, which may include, but are not limited to services such as the use of the trunk space and the loading by the driver of passenger personal effects;

[4] The phone number and website of the County where a consumer may report or submit comments on service quality.

(5) The signs and numbers described herein as required must contain lettering not less than three inches in height and three inches in width with a paint stroke of 1/4 inch between each figure. Letter color must contrast with the door color and be readable from a minimum distance of 150 feet. The background of the sign must be of white reflective material.

(6) The exterior roof light must contain the name of the company or words "taxi" or "taxicab" or "cab." The exterior roof light must be permanently mounted and lit at night.

B. In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this chapter, each licensed taxicab operating within the County shall at all times remain in compliance with each of the following vehicle requirements:

(1) No vehicle shall be licensed as a taxicab if it was manufactured twelve (12) years or more prior to the application date.

(2) Every vehicle shall be kept in a suitable condition to include, interior and exterior kept in a clean and sanitary condition and shall at all times bear a current New York State inspection sticker and a County inspection sticker properly affixed.

(3) Every vehicle shall have no fewer than four (4) doors, not including a hatchback or other rear entry, two (2) of which lead into the driver's compartment, and all doors shall be so constructed that they may be opened from the inside and the outside. Under no circumstances shall any two-door vehicle be licensed as a taxicab. Vans may be licensed and approved for use as taxicab vehicles only if each such van provides a seat and a seat belt for each passenger and carries no more than seven (7) passengers at any given time.

(4) Every vehicle shall be equipped with an adequate heater of a type which will not permit exhaust gasses to enter the interior of the vehicle.

(5) Every vehicle shall be equipped with at least three (3) adjustable rear-view mirrors, one (1) in the driver's compartment and two (2) exterior mirrors installed on the exterior of the vehicle, one (1) on the driver's side door and one (1) on the passenger-side door.

(6) Every vehicle shall be equipped with a standard speedometer properly installed and maintained in good working order. No licensed vehicle shall be operated in public while such speedometer is inoperative or disconnected.

(7) Every vehicle shall have either acceptable snow tires, all-weather radial tires or tire chains on the drive wheels of such vehicle when pavement conditions are such as to require said use for the safety of the driver, passenger and the general public.

(8) Every vehicle shall be equipped with dual windshield wipers properly installed and maintained in good working order, which shall be operated whenever weather conditions require. This shall include windshield washers in proper working condition. In addition, each licensed vehicle shall at all times remain in compliance with New York State regulations requiring that headlights be turned on at any time windshield wipers are in operation.

(9) Every vehicle shall contain original or replacement upholstery and floor mats in good and suitable condition for satisfactory use by the public. In the event that original upholstery or floor mats are found to be worn or otherwise deteriorated,

such upholstery or floor mats must be replaced prior to the use of the licensed vehicle for conveyance of the public.

(10) Every vehicle shall be equipped with an interior light capable of illuminating the entire interior of the taxicab after sundown. The light shall be so arranged as to be automatically turned on by the opening of any door to the vehicle.

(11) Wherever glass is used in the construction of any licensed vehicle, such glass shall be safety glass, clearly and permanently marked as such and of a type approved by the Commissioner of Motor Vehicles of the State of New York. All glass in said licensed vehicle shall be in good condition and shall not contain air bubbles, cracks or fractures. Window tint shall remain in compliance with all applicable New York State laws and regulations.

(12) The fenders, bumpers and body of each licensed vehicle must be rigidly and tightly fastened to said vehicle, free from significant or extensive dents or mutilation, shall be of a uniform color, and shall be so constructed as to allow the full opening of all doors of the vehicle. The exterior of the vehicle shall be properly maintained, painted and the finish in good condition. This includes all exterior light lenses to be free from cracks and to be the proper color.

(13) The vehicle must be equipped with both front and rear window defrosters/defoggers. They are to be in proper working condition.

(14) Every vehicle shall be equipped with hubcaps on all four (4) wheels or shall have uniformly painted wheels in lieu thereof.

(15) Shades or curtains are prohibited on the inside of any taxicab.

(16) 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.

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

[1] The name and driver's license number of each and every driver operating such vehicle for the trips recorded on the trip sheet;

[2] Date, commencement time by hour and minute and origin point of each trip for each passenger;

[3] Date, drop-off or termination time by hour and minute and destination or termination location of each trip for each passenger;

[4] Fare charged and collected for each trip for each passenger;

[5] 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;

[6] 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.

(b) The 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 therefore by any law enforcement officer.

(c) All such trip sheets shall be retained and kept on file and made available for audit, examination and inspection by the Director of Security at all reasonable times for a minimum period of two (2) years by every owner, operator and/or proprietor of every taxicab and company operating and/or owning same.

(17) Each vehicle used as a taxicab shall comply with all applicable federal, state and other laws, rules and regulations pertaining to its use by and accessibility to persons with disabilities.

(18) Each taxicab shall prominently display in the interior thereof visible to all passengers a sign or sticker written in no less than eighteen-point type advising that seat belts are available and should be used by all passengers.

(19) Each taxicab shall prominently display in the interior thereof visible to all passengers a sign or sticker written in no less than eighteen-point type stating that smoking is prohibited within the vehicle by all passengers and drivers.

C. Taxicabs licensed in accordance with this chapter may be equipped with partitions or shields made of translucent plexiglass or other shatterproof material located between and effectively separating the front and rear seats.

D. In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this chapter, each licensed taxicab operating within the County shall at all times remain in compliance with each of the following requirements applicable to all owners and operators thereof:

(1) Shall maintain and furnish a current list of drivers and employees available upon request of the Director of Security.
(2) Shall provide a letter to the Director of Security upon the discharge or termination for any reason of a driver and/or employee, giving the reason for such discharge or termination.
(3) Shall promptly report to the Director of Security the transfer of ownership of any vehicle licensed by the County and concurrently turn in to the Director of Security the taxicab vehicle license of such vehicle.
(4) Shall report, in writing, changes of address of the owner, operator or driver of a taxicab to the Director of Security within three (3) business days of said change.
(5) Shall maintain proper vehicle insurance for all owned or operated taxis in accordance with New York State Vehicle and Traffic Law or other laws, rules or regulations and report a revocation or cancellation of insurance immediately to the Director of Security.
(6) Shall submit any changes to the established rates for fare or additional services to the Director of Security in writing five (5) business days prior to the effective date of the change.
(7) Shall report any vehicle accident which renders a taxicab vehicle inoperable or causes personal injuries to anyone involved in the accident in writing to the Director of Security within five (5) business days of the accident.
(8) Shall report convictions of violations of County Code and of the laws, codes and rules of the State of New York pertaining to and arising out of the operation of every driver, vehicle and company of one (1) or more taxicabs in the County to the Director of Security within thirty (30) days.

E. In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of New York or by this chapter, each licensed taxicab driver operating within the County shall at all times remain in compliance with each of the following driver requirements:

(1) Shall keep the interior and exterior of the taxicab in a clean and sanitary condition and shall at all times maintain the vehicle in compliance with County Code.
(2) Shall not smoke, or allow any passenger to smoke, at any time within the vehicle.
(3) Shall, at all times, while on duty, have displayed in the interior of the vehicle which he is operating his taxicab driver's license. The license shall be displayed

in a place visible to any passenger in such taxicab as determined by the Director of Security.

(4) Shall immediately report any unlawful act committed in, with or in connection with his vehicle or any attempt to use his vehicle to commit a crime or escape from the scene of a crime to the police agency of jurisdiction and shall also submit a written report to the Director of Security within five (5) business days.

(5) Shall not permit any passenger in the taxicab except a paying fare during such time as the taxi is being used for business purposes.

(6) Shall not operate a taxicab when there is snow or ice on the pavement unless there are chains, all-weather radial tires or snow tires on the drive wheels.

(7) While on duty, the driver shall state his/her name and employer's name to any passenger or law enforcement officer on request. Also, it shall be unlawful for any driver of any taxicab to misrepresent or withhold the name of his employer or the business address and business telephone of the same.

(8) Carriage of infected persons. Should it be found by the owner, operator or driver that a taxicab has been used to convey any person infected with a contagious disease, or if any blood or bodily fluids or discharges have contaminated the passenger area of the taxi, such vehicle shall not be used until it has been thoroughly cleaned and disinfected in accordance with applicable laws, rules and regulations related to public health.

(9) Any owner or operator shall not permit any one driver to operate a taxicab more than twelve (12) hours in any continuous twenty-four-hour period, except the driver of a taxicab exclusively hired or engaged for special trips or excursions.

(10) Shall not be permitted to carry more than five (5) passengers, including children, in a four-door sedan vehicle and shall not be permitted to carry more than seven (7) passengers, including children, in a station wagon or van.

(11) Shall not operate a taxicab if the vehicle has any equipment violations as defined in this chapter or in the Vehicle and Traffic Law § 375, or other laws, rules and regulations.

(12) Must not consume alcohol or intoxicating drugs prior to or during the driving or other operation of a taxicab. This excludes prescriptions prescribed by a licensed physician and over-the-counter medications which do not cause drowsiness, fatigue, blurred speech or vision or other conditions which may impair the ability to drive safely.

(13) Except when authorized in the Vehicle and Traffic Law, the driver shall not use the horn or otherwise make or create loud or unnecessary noise, such as for announcing arrival or alerting potential patrons.

(14) The driver shall pull to the curb to pick up and discharge passengers. The driver shall not intrude upon or obstruct pedestrian crossings, bus stops, loading zones, driveways, intersections or other areas requiring the free and unobstructed flow of traffic when stopped to pick up or discharge passengers.

(15) The driver shall provide a written receipt accurately stating the exact fare paid by any passenger requesting same.

(16) No driver of a licensed taxicab shall carry any person other than the passenger first employing a taxicab without the consent of said first passenger.

(17) Each and every operator and driver of a taxicab vehicle operating as such in the County is required to accept as a paying fare every orderly adult person and shall not refuse to accept as a paying fare any adult person on the basis of any disability or on the basis of his race, ethnicity, religion, sex, age, sexual preference or other discriminatory basis or criteria prohibited by law.

(18) Shall not illegally use, consume, possess or distribute intoxicating liquors or drugs.
(19) The driver shall be neat and clean in both person and in clothing and shall wear at a minimum a shirt or blouse with collar, and slacks or skirts and closed-toed shoes. No ripped or torn clothing shall be worn.
(20) No driver shall engage in fighting or in violent, tumultuous or threatening behavior; use abusive or obscene language or make obscene gestures; or make unreasonable noise.
(21) At no time shall a driver allow the engine of the taxicab to idle in a fixed location for more than fifteen (15) minutes.

§ 85-20 Suspension or revocation of taxicab vehicle license and/or driver's license

Taxicab vehicle and/or driver's licenses may be revoked or suspended at any time for cause after a hearing by the Director of Security. Cause includes but is not limited to; violation of any sections of this chapter; conviction of a violation, misdemeanor or felony pursuant to the laws of the State of New York; transporting, soliciting or procuring any person to ride in a licensed taxicab for the purpose of commission of a crime. Licenses shall be revoked if the vehicle shall be used for immoral or illegal purposes. Licenses and permits may be suspended or revoked for failing to be and remain in compliance with all applicable laws, rules and regulations. When the license is suspended or revoked, the taxicab driver's and/or vehicle license card hereinbefore provided for shall be retained by the Director of Security and shall be returned only after the expiration of the suspension period with suitable entry being made thereon by the Director of Security or his authorized designee as to the reason for and duration of the suspension. The Director of Security, upon determination to revoke or suspend a license, shall notify the holder of his decision, in writing, by certified mail and state the reasons for his action.

§ 85-21 Register of licensed taxicabs

The Director of Security shall keep a register of the name of each person owning or operating or otherwise legally responsible for a taxicab vehicle licensed under this chapter, together with the license numbers of vehicles and drivers. Such record shall be open to the inspection of the public at all reasonable times.

§ 85-22 Return of licenses, cards and permits; transfer of vehicle license; exception; fee

A. Every licensee who has been issued a license under the provisions of this chapter shall, upon discontinuing or abandoning the ownership, operation or driving of a taxicab, return such license card, license or permit to the Director of Security unless such card, license or permit has been lost or for other reason cannot be restored as these are the property of Broome County.

B. Such card, license or permit shall not be assigned or transferred to any other person or be applicable to any motor vehicle other than the one specified therein. Any licensee who permits his license to be used by any other person or for any vehicle other than the one for which same was issued and any person who uses such license granted or given to any other person or who uses such license for a vehicle other than the one for which it was issued shall each be guilty of a violation of this chapter.

C. Notwithstanding the foregoing, the owner or operator of a vehicle licensed as a taxicab under this chapter may take such vehicle out of service as a taxicab for any reasonable cause, such as damage, wear and tear, sale of the vehicle, age of the vehicle or other. In such case, such owner or operator may apply to the Director of Security for permission to transfer the license issued to such vehicle to another vehicle to be put in service as a taxicab to replace the vehicle originally licensed.

D. Such application shall include all the information pertaining to the replacement vehicle required for a taxicab vehicle license, and such replacement vehicle shall meet all the requirements applicable to taxicabs as required by this chapter to include the pre-licensing inspection. Such application to transfer such taxicab vehicle license shall be accompanied by a nonrefundable transfer application fee as determined by resolution of the Broome County Legislature.

§ 85-23 Duplicate license, permit or card

Whenever a license shall be lost, stolen or destroyed, without fault on the part of the holder, his agent or employee, a duplicate in lieu thereof, under the original application, may be issued by the Director of Security upon the filing of a sworn affidavit containing the facts of such loss or theft and upon the payment of the cost of such duplicate license, permit, card, badge or tag. The replacement fee for a lost, stolen or destroyed license shall be as determined by resolution of the Broome County Legislature.

§ 85-24 Taxicab stands

Taxicab stands may be established by law enforcement regulation or by ordinance of any constituent municipality of the County or by the County itself subject to such approval as the governing body may require. Taxicab stands operated by the County may only be used by licensed taxicabs when available for hire and being driven by licensed taxicab drivers.

§ 85-25 Soliciting; cruising prohibited; interference with other operators prohibited.

No person shall solicit passengers from any point other than immediately adjacent to his taxicab. Taxicabs shall not cruise or operate on the streets of the County without a fare under hire for the purpose of soliciting business. No taxicab owner, operator or driver shall employ radios, telephones or other methods or means of remote communication in order or so as to preempt, intercept, precede or otherwise interfere with any other driver or operator of a taxicab which has lawfully been called, appointed or retained to serve a fare.

§ 85-26 Schedule of charges

A. Owners, operators and drivers must display fare rates visibly to all passengers.
B. Owners must submit to the Director of Security, along with the taxi vehicle license application, their established fare rate for transports within, through and outside the County limits.
C. The soliciting of tips, gratuities or any charges in addition to those authorized herein is prohibited. This clause shall not prohibit the voluntary offer or acceptance of a tip or gratuity.

D. No person shall charge or attempt to charge any passenger a greater fare than that to which the taxicab driver is entitled to collect under the rate sheet posted in the vehicle and on file with the Director of Security.
E. Transport of animals.
   (1) There shall be no additional charge for carrying a service animal trained to provide assistance to an individual with a disability and no driver shall refuse or decline to carry a passenger or fare for the reason that such person is accompanied by such an animal.
   (2) Drivers may refuse to transport any other animal unless the animal is securely enclosed in a kennel case which can be reasonably accommodated by such vehicle or is otherwise reasonably secured in accordance with the size, kind and nature of such animal.

§ 85-27 Payment of fares

A. Prepayment. Every driver of a taxicab shall have the right to demand payments 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 to any lawful destination anywhere in the County, unless previously engaged, off duty or otherwise lawfully unable to do so.
B. Disputed fares. All disputes as to fares shall be determined by the law enforcement agency of jurisdiction at the time of the dispute. Copies of same shall be requested by the Director of Security for review of the incident for compliance with this chapter.

§ 85-28 Receipts for fares

Whenever a passenger in a taxicab asks for a receipt for the fare paid by him, it shall be given to them 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, the origin, any stops, the final destination of the trip and the amount of fare collected.

§ 85-29 Overcharging prohibited

It shall be unlawful for any taxicab owner or operator or any taxicab driver within the limits of the County to charge fares for taxicab service of more than the rate of fare for carrying a passenger to his destination on file for the taxicab owner with the Director of Security.

§ 85-30 Riders prohibited

No person shall be allowed to ride in the front seat of any taxicab next to the driver except paying passengers, and any driver who shall permit this may be deprived of his license via suspension or revocation of same by the Director of Security.

§ 85-31 Carrying additional passengers

No driver of a licensed taxicab shall carry any person(s) other than the passenger first employing a taxicab without the consent of such first passenger. No person shall be required to ride in or to pay for a called taxicab if the same is already occupied by another passenger without their consent. No person shall be required to ride in or to pay for a taxicab if the driver of same takes on additional passengers without his consent.

§ 85-32 Compliance with noise ordinance required; sounding of horn prohibited

Every driver of a taxicab shall at all times comply with the ordinances of the County and its constituent municipalities and all other applicable laws, rules and regulations, prohibiting loud or unnecessary noise in disturbance of peace and quiet.

§ 85-33 Articles found in taxicabs

Every driver of a taxicab, immediately after the termination of any hiring or employment, must carefully search such taxicab for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owner, shall be maintained at the business address of the owner of the vehicle for a period of not less than thirty (30) days. All articles must be logged in at the business address. Items of significant value, to include but not limited to wallets, purses, handheld communication devices, electronics and jewelry are to be deposited with the Director of Security, along with the trip sheet for the period in which the item was found, by the end of the next business day.

§ 85-34 Use of vehicle for unlawful purposes and deceiving or misinforming passengers prohibited

A. It shall be unlawful for any licensed driver of any taxicab to misrepresent his own name, and/or the name of his employer, or knowingly receive or transport any person or persons who intend any unlawful act in such vehicle during the voyage or at the termination thereof, whether within such vehicle or not. It shall be unlawful for any such driver to solicit or procure or to aid or assist in soliciting or procuring any person to ride in a licensed taxicab with the intent of the driver or of any or all passengers to commit any unlawful act therein or at any time during the voyage or immediately following the termination thereof, whether within the vehicle or not.

B. It shall be unlawful for any licensed driver of any taxicab to solicit and/or procure the sale or distribution of controlled substances. It shall be unlawful for any licensed driver of any taxicab to solicit and/or procure any person to ride in a licensed taxicab for the purpose of sale or distribution of controlled substances.

C. Operating a vehicle under the influence of alcohol or a controlled substance shall be grounds for immediate suspension and revocation of a driver's license. The Director of Security may require a licensee to submit to drug and alcohol screening tests upon reasonable cause. Refusal to submit to such screening test or a positive test result shall constitute grounds for revocation of a license. The licensee shall be responsible for the fees associated with the drug testing as authorized in this section only if a positive test is returned.

D. No person owning, operating or driving a taxicab shall deceive or misinform any customer or passenger who may pay for taxicab service, or who may ride or desire to ride in any such vehicle, as to the shortest route to a destination or as to the lawful fare to be charged. No person owning, operating or driving a taxicab shall deceive or misinform any customer or passenger as to the location or distance of the destination requested, nor shall any passenger be transported to any destination other than the one specified and/or by any route directed or requested by such person.

Article V
Program Fees/Charges

§ 85-35 Penalties for offenses

A. For purposes of this chapter, the actions of representatives, agents, employees or taxicab drivers utilizing vehicles owned or operated by a taxicab business shall be treated as actions of the owner of said taxicab vehicles and taxicab business.

B. Any person violating any of the provisions of this chapter shall, upon conviction, be responsible for any penalty incurred as a result and as administered by Broome County and as approved by the Broome County Legislature. In addition thereto a licensee, or the owner, operator or driver of a licensed vehicle, may have their license suspended or revoked.

C. The Director of Security may, in his discretion, temporarily suspend or revoke a drivers or vehicle license or refuse access to all County transportation facilities pending the outcome of the prosecution of the licensee under this chapter or under any other provision of any applicable law, code, rule or regulation.

D. Vehicles found to be operating without a proper county taxicab business and vehicle license, inspection or by a driver without a valid taxicab driver's license or found to be in violation of any section of this chapter shall be subject to impoundment by any law enforcement agency operating within the County. Any violation of this provision shall be deemed a violation, and the taxicab owner shall be guilty of a violation and subject to the following schedule of fines and or imprisonment not to exceed thirty (30) days, or both such fine and imprisonment:

(1) First offense: not more than $100.

(2) Second offense: not more than $250.

(3) Third offense: not more than $500.

E. The penalties set forth in §85-35 are in addition to the provisions of §§ 106-4V(9)(b) and 106-4V(10)(d) of the Broome County Charter and Code, Part IV, Regulatory Local Laws. These penalties shall be in addition to and not instead of any other penalties imposed by any other applicable law, code, rule or regulation of any other governmental or regulatory agency or entity.

§ 85-36 Enforcement

The County Executive, Director of Security Services, Commissioner of Aviation, County Sheriff and other agents duly designated in addition to local, County and state police or law enforcement officers are hereby authorized to, and they shall, enforce the foregoing rules and regulations.

§ 85-37 Public emergency; police powers

Whenever a state of emergency is declared by the County or whenever the Director of Security, or, if there be none, the highest-ranking officer in command of the Division of Security or his designee, determines that protection of public safety so requires, the County Executive and/or the Director of Security may suspend the provisions of this chapter, in whole or in part, for part or all of the period during which such emergency conditions may prevail. Such power shall include but not be limited to the suspension of the requirement that fares be paid by passengers and/or other requirements of this chapter. Under such circumstances, all drivers and operators shall endeavor to keep and maintain accurate records showing the trips provided and the details of same during

such period, similar to such records as would be required to be kept by this chapter if such period of emergency had not existed.

§ 85-38 Exceptions

A. The provisions of this chapter shall have no application to exempt vehicles, as defined herein, or for special events, upon advance notice of same being provided to the Director of Security and his approval thereof.

B. The licensing fee set forth in this chapter shall not be required for taxicab vehicles or other vehicles for hire to which this chapter would otherwise apply if same are owned by or operated under the control of a corporation duly organized and existing pursuant to the Not-For-Profit Corporation Law of the State of New York and while being used solely for the purposes of such corporation.

§ 85-39 Severability

The provisions of this chapter shall be deemed severable. The finding of the invalidity, illegality or unenforceability of any one or more provisions hereof shall not be deemed to affect the validity of the other sections or provisions of this chapter, as long as the sense thereof remains.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

~~1. (Final adoption by local legislative body only.)~~

I hereby certify that the local law annexed hereto, designated as local law No. ..... of 20..... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 20...., in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 10 of the (County)(City)(Town)(Village) of Broome was duly passed by the Legislature on 3/18 20 10, and was (approved)(~~not approved~~)(~~repassed after disapproval~~) by the County Executive and was deemed duly adopted on 4/6 20 10, in accordance with the applicable provisions of law.
(Name of Legislative Body) *(Elective Chief Executive Officer*)*

~~3. (Final adoption by referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. ..... of 20..... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 20...., and was (approved)(not approved)(repassed after disapproval) by the ..... on ..... 20.... . Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ..... 20..., in accordance with the applicable provisions of law.
(Name of Legislative Body) *(Elective Chief Executive Officer*)*

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. ..... of 20..... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 20...., and was (approved)(not approved)(repassed after disapproval) by the ..... on ..... 20... . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ..... 20..., in accordance with the applicable provisions of law.
(Name of Legislative Body) *(Elective Chief Executive Officer*)*

*** Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

~~5. (City local law concerning Charter revision proposed by petition)~~

I hereby certify that the local law annexed hereto, designated as local law No. ---------- of 20----- of the City of ---------- having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on---------- 20----, became operative.

~~6. (County local law concerning adoption of Charter)~~

I hereby certify that the local law annexed hereto, designated as local law No. ---3--- of 20---10--- of the County of --Broome-- State of New York, having been submitted to the electors at the General Election of November ---------- 20----, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph---2-------, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: April 6, 2010

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Broome

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

County Attorney
Title

County
~~City~~
~~Town~~
~~Village~~ of Broome

Date: April 6, 2010