

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

FILED  
STATE RECORDS

of \_\_\_\_\_ Oswego

DEC 06 2016

DEPARTMENT OF STATE

Local Law No. 6 of the year 20 16

A local law Amending Chapter 228, Taxicabs, of the Code of the  
(Insert Title)  
City of Oswego, New York

Be it enacted by the Common Council of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of \_\_\_\_\_ Oswego

as follows:

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

A LOCAL LAW AMENDING CHAPTER 228, TAXICABS, OF THE CODE OF THE CITY OF OSWEGO, NEW YORK.

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF OSWEGO, NEW YORK, AS FOLLOWS:

CHAPTER 228

TAXICABS

[HISTORY: Adopted by the Common Council of the City of Oswego 5/12/1980 as Ch. 102 of the 1980 Code; amended in its entirety 1/28/2013 by L.L. No. 1-2013. Subsequent amendments noted where applicable.]

§ 228-1. Definitions.

Unless otherwise expressly stated, whenever used in this chapter the following words shall have the meaning given to them by this section:

OPERATOR -- Any person owning or having control of the use of one or more taxicabs used for hire upon the streets of the City of Oswego or engaged in the business of operating a taxicab or which is at any time used to carry passengers for hire.

PERSON -- One or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

STREET -- Any street, alley, avenue, court, bridge, lane or public place in the City of Oswego.

TAXICAB -- Any motor vehicle engaged in the business of or at any time used to carry 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 Corporation Law.

TAXICAB DRIVER -- Any person who drives a taxicab, whether such person is the owner of such taxicab or employed by a taxicab owner or operator.

TAXICAB LICENSE -- Permission granted by the City of Oswego to any person to operate or keep for hire any taxicab in such City.

TAXICAB LICENSEE -- The owner of any taxicab or taxicabs for which a taxicab license has been issued hereunder.

TAXICAB STAND -- Any place alongside the curb of a street or elsewhere which is exclusively reserved by the Traffic Control Maintenance Supervisor for the use of taxicabs.

TAXI DRIVER'S LICENSE -- Permission granted by the City of Oswego to any person to drive upon the streets of such City any licensed taxicab.

§ 228-2. Certain types of licenses required.

It shall be unlawful for any person to drive, operate or keep for hire or pay within the limits of the City of Oswego any taxicab without first having obtained and paid for a license to drive or a license for operating or keeping for pay or hire, or both, and having the same in force and effect, under the provisions of this chapter.

§ 228-3. Taxi 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 City of Oswego without such driver having first obtained and paid for and having in force and effect a driver's license under the provisions of this chapter.

§ 228-4. Application for taxi driver's license.

Each applicant for a taxi driver's license must comply with the following to the satisfaction of the Chief of Police:

- A. Must first have obtained a state chauffeur's license.
- B. Be of the age of 18 years or over.
- C. Be of sound physique, have good eyesight, and not be subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him/her unfit for the safe operation of a public vehicle.
- D. Be able to read and write the English language.
- E. Be clean in dress and person and not addicted to the use of intoxicating liquor or drugs.
- F. Produce, on forms to be provided by the Chief of Police, affidavits of good character from two reputable citizens of the City of Oswego who have known him/her personally and have observed his/her conduct for at least one year next preceding the date of his/her application; and a further testimonial on a form provided for that purpose from his/her employer, unless, in the opinion of the Chief of Police, sufficient reason is given for its omission.
- G. Fill out, upon a blank form to be provided by the Chief of Police, a statement giving his/her full name; residence; place of residence for five years previous to moving to his/her present address; age; height; color of eyes and hair; place of birth; length of time he/she has resided in the City; whether a citizen of the United States; places of previous employment; whether married or single; whether he/she has ever been convicted of a felony or misdemeanor; whether he/she has been summoned to court; whether he/she has been previously licensed as a driver or chauffeur and, if so, whether his/her license has ever been revoked, and for what cause, and the number of the chauffeur's license

issued by the state, which statement shall be signed and sworn to by the applicant and filed with the Chief of Police as a permanent record. Any false statements by the applicant for a taxi driver's license shall be promptly reported by the Chief of Police and the District Attorney of Oswego County. The Chief of Police is hereby authorized and empowered to require such additional information as he or she may deem necessary.

- H. Any new applicant for, or renewal of, a taxi driver's license must submit to a background investigation conducted by the Oswego City Police Department. Any person applying for a taxi driver's license must submit their fingerprints and any applicable fees in the form and manner as prescribed by New York State Division of Criminal Justice Services. The Chief of Police and the City Clerk, or respective designees, will be responsible for reviewing the criminal history record information (CHRI) disseminated by DCIS; and if a prospective applicant has been convicted of any of the criminal offenses specifically mentioned in this chapter, any decision regarding such prospective applicant's fitness for a license must be made upon consideration of New York State Correction Law §§ 701-703-b and §§ 751-753. Correction Law §§ 701-703-b provides for certificates of relief from disability and certificates of good conduct and §§ 751-753 sets forth NY's public policy to encourage the licensure and employment of persons previously convicted of one or more criminal offenses and factors that should be considered in making hiring determinations. An applicant may be denied a taxi driver's license on the basis of his or her criminal record in accordance with the aforementioned state and federal laws, and including but not limited to New York Human Rights Law § 296 and New York Correction Law Article 23-A. [Amended 4-14-2014 by L.L. No. 1-2014]
- I. Any new applicant for, or renewal of, a taxi driver's license must submit a copy of his/her current New York State Department of Motor Vehicles abstract of driving record.
- J. Be of good moral character.
  - 1. "Good moral character" shall be the absence of involvement in the following activities:
    - a. Being convicted of murder;
    - b. Being convicted of an aggravated felony or crime which includes:
      - [1] Murder, rape or sexual abuse of a minor.
      - [2] Illicit trafficking in controlled substances.
      - [3] Firearms, destructive devices, and explosive materials offenses.
      - [4] Money laundering.
      - [5] Crimes of violence for which the term of imprisonment is at least one year.
      - [6] Theft and burglary offenses for which the term of imprisonment is at least one year.
      - [7] Crimes involving the demand or receipt of ransom.

[8] Crimes involving child pornography.

[9] Crimes involving a violation of the Racketeer Influenced and Corrupt Organizations Act.

[10] A second or subsequent gambling offense for which a one-year or greater term of imprisonment may be imposed.

[11] Prostitution "managing" and transporting offenses.

[12] Offenses involving fraud or deceit.

[13] Being involved in prostitution.

c. Being a habitual "drunkard".

2. In the event that the applicant has been involved in any of the criminal activities set forth in Subsection "J" above, or other criminal activities affecting good moral character, a finding of lack of good moral character shall be based upon the guidelines set forth in the New York State Correction Law, Article 23-A, Sections 752 and 753.

§ 228-5. Issuance, form and terms of taxi driver's license; temporary permits.

A. Upon satisfactory fulfillment of the foregoing requirements, the City Clerk's office shall issue to the applicant a taxi driver's license.

B. Each license shall be stamped by the Seal of the City. All 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 license.

C. Any licensee who defaces, removes or obliterates any official entry made upon his/her license shall be punished by the revocation of his/her license.

D. A taxi driver's license will expire on April 30, unless previously suspended or revoked.

E. No temporary permit shall be issued except when an extraordinary public emergency arises affecting transportation of the public upon the streets within 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 longer period than 20 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 made to the Common Council and approved by it.

F. Such license or permit shall be carried by the licensee at all times when operating or in charge of any taxicab.

§ 228-6. Renewal of taxi driver's license.

The City Clerk's office may renew a taxi driver's license from year to year by appropriate endorsement of the Chief of Police. A driver, in applying for a renewal of his/her license, shall make such application not less than 30 days next preceding its expiration, upon a form to be furnished by the Chief of Police entitled "Application for Renewal of License," which shall be filled out with the full name and address of the applicant, together with a statement of the date upon which his/her original license was granted and the number thereof and such other information as the Chief of Police may deem necessary. The application must be approved by the Chief of Police.

§ 228-7. Fees for taxi driver's license. [Amended 4-14-2014 by L.L. No. 1-2014]

The following license fees shall be paid for a taxi driver's license or renewal thereof: \$100. All fees are nonrefundable.

§ 228-8. Suspension or revocation of license or permit.

A taxi driver's license or permit may at any time be suspended or revoked for cause after a hearing by the Chief of Police. Any such suspension shall be noted on the license, together with a statement of the reasons therefor. A second suspension for the same reason or, in any case, a third suspension of a taxi driver's license shall revoke the license. No taxi driver whose license or permit has been revoked shall be again licensed as a taxicab driver in the City. The Chief of Police shall notify the Police Department whenever such a license or permit is suspended or revoked.

§ 228-9. Record of taxi driver's licenses and permits.

There shall be kept in the office of the City Clerk 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 license.

§ 228-10. Licensing of vehicles; application.

It shall be unlawful for any person to operate or permit to be operated a taxicab upon the streets of the City of Oswego without first having obtained therefor a taxicab license under the provisions of this chapter from the Chief of Police. Such license shall be valid for one year, expiring on April 30, unless suspended or revoked. Application for a taxicab license shall be made by the owner upon blank forms furnished by the City Clerk's office. Such application shall contain:

- A. The name, age and residence of the person applying for the license and what, if any, previous experience he/she has had in such business.
- B. The name, age and residence of the person to be in immediate charge of any such taxicab(s).
- C. The type of motor car to be used, the horsepower, 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.

- D. Whether previously licensed to operate a taxicab and, if so, where.
- E. Whether license to operate a taxicab has ever been revoked and, if so, for what cause.
- F. A certificate of the State Commissioner of Motor Vehicles or other evidence satisfactory to the Chief of Police that the applicant has complied with the provisions of § 370 of the Vehicle and Traffic Law of the State of New York.
- G. Such other information as the Chief of Police may deem necessary.

§ 228-11. Inspection of vehicles prior to licensing.

- A. No vehicle shall be licensed until it has a valid New York State inspection sticker.
- B. All vehicles shall be inspected for cleanliness, good appearance and whether suitably painted and varnished. The Chief of Police or someone designated by him/her shall make such examination and inspection before a license is issued. The Chief of Police shall refuse to license or, if already issued, revoke or suspend the license for any vehicle found by him/her or someone designated by him/her to be unfit or unsuited for public patronage.

§ 228-12. Indemnity bonds or insurance policies.

It shall not be lawful for any person to operate a taxicab or permit a taxicab to be operated within the City of Oswego unless and until he/she fully complies with all the provisions and requirements of § 370 of the Vehicle and Traffic Law of the State of New York, nor shall any license hereunder be issued until or unless an applicant therefor fully complies with the provisions and requirements of said § 370. Upon noncompliance by any licensee hereunder at any time with the provisions and requirements of said § 370, the Chief of Police shall forthwith suspend or revoke the license of such a licensee.

§ 228-13. License card; license number.

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 upon the approval of the application and bond and 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 and a statement to the effect that, in case of any complaints, the Chief of Police shall be notified, giving the license number of the taxicab. Such card shall be signed by the City Clerk. The license number assigned hereunder shall in each case be the same as that assigned to the vehicle for that year, pursuant to law. Any licensee who defaces, obliterates or changes any official entry made upon his/her license shall have his/her license revoked. Should the state license number of a taxicab be changed during the life of the taxicab license, such change and number shall be immediately reported by the licensee to the Chief of Police and City Clerk.

§ 228-14. License fees for vehicles. [Amended 4-14-2014 by L.L. No. 1-2014]

The license fee for each taxicab or renewal thereof shall be \$100. This license will not be transferable to any other vehicle. All fees are nonrefundable.

§ 228-15. Inspection of licensed taxicabs.

The Chief of Police shall inspect or cause to be inspected all taxicabs from time to time, as hereinbefore provided for, or on the complaint of any citizen, as often as may be necessary.

§ 228-16. Suspension or revocation of taxicab license.

Taxicab licenses may be revoked or suspended at any time for cause after a hearing by the Chief of Police if the vehicle shall be used for immoral or illegal business or purpose or for a violation of any ordinance or state law governing the operation of motor vehicles. When the license is suspended or revoked, the taxicab license hereinbefore provided for shall be retained by the Chief of Police and shall be returned only after the expiration of the suspension period.

§ 228-17. Register of licensed taxicabs.

The City Clerk shall keep a register of the name of each person owning or operating a taxicab licensed under this chapter, together with the license number and the description and make of such vehicle, with the date and complete record of inspection made of it. Such record shall be open to the inspection of the public at all reasonable times.

§ 228-18. Taxicab stands.

All public taxicab stands heretofore established are hereby abolished. The Traffic Control Maintenance Supervisor is hereby authorized to locate and designate taxicab stands. He/she shall further designate the number of such taxicabs that shall be allowed to stand at any of the places designated by him/her and shall provide a metal sign, which shall be attached to a post or stanchion adjacent to such stand, and on which sign shall be placed the number of vehicles allowed at the particular stand.

§ 228-19. Number of taxicabs allowed at stands.

Only taxicabs in such numbers as are set forth on the metal sign may remain at the stand while waiting for employment.

§ 228-20. Payment of fares; refusal of business; additional passengers.

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. No driver of a licensed taxicab shall carry any person other than the passenger or passengers first employing a taxicab, unless the first passenger or passengers employing the taxicab consent.
- C. Overcharge. No person shall charge or attempt to charge any passenger a greater or lower rate of fare than that fixed and established in the owner's schedule filed as required by § 228-25 of this chapter.

§ 228-21. Cruising; soliciting.

No taxicab, while awaiting employment by passengers, shall stand on any public street or place other than at or upon a taxicab stand designated or established in accordance with this chapter. Cruising or driving about the streets soliciting passengers is prohibited. Following the established bus routes of the City of Oswego and picking up passengers thereon is prohibited. It shall be the duty of all police officers to notify the Chief of Police of any known violation of this provision. Any driver or operator violating this section shall, after a hearing before the Chief of Police or the Recorder of the City of Oswego, be deprived of his/her license.

§ 228-22. Return of license; nontransferability.

Every person to whom a license has been issued under the provisions of this chapter shall, upon discontinuing or abandoning the operation or driving of a taxicab, return such license to the City Clerk unless such license has been lost or for other reason cannot be restored. Such badge, plate, license and permit shall not be assigned or transferred to any other person or be applicable to any other motor vehicle than the one specified therein. Any licensee who permits his/her license to be used by any other person, and any person who uses such license granted or given to any other person, shall each be guilty of a violation of this chapter. Whenever a license shall be lost, stolen or destroyed without fault on the part of the holder, his/her agent or employees, a duplicate in lieu thereof under the original application and bond may be issued by the City Clerk upon the filing of a sworn affidavit containing the facts of such loss or theft and upon the payment of \$10.

§ 228-23. License number on vehicle. [Amended 4-14-2014 by L.L. No. 1-2014]

Every taxicab shall have "Licensed Taxicab No. \_\_\_\_\_", and the name of the company, plainly painted in letters at least four inches in height with at least one-fourth-inch stroke with proper and distinct colors, on both sides of such taxicab, together with, if such owner elects, the minimum and maximum rates of fare to be charged per trip by such taxicab, but the same shall not be so arranged as to lead to confusion in quickly identifying such taxicab. Also, every taxicab shall have a nonblinking white or yellow top light on the vehicle. The Chief of Police may, in his/her discretion, upon the written application of a taxicab owner, by written order filed in his/her office and with the Chief of Police, dispense with the display of the foregoing data in the form herein prescribed and may permit and authorize the display of same by some other means.

§ 228-24. Cleaning of taxicabs; door locks; smoking.

- A. Every holder of a taxicab license shall at all times keep the inside of the cab operated by him/her in a clean and sanitary condition and shall at least once each day thoroughly clean the inside of such taxicab.
- B. No owner or driver of a taxicab shall at any time so fasten or lock the doors on a taxicab that it is impossible for a passenger to open the same from the inside. Every owner shall provide means for unfastening doors on taxicabs so that such doors may be readily opened on the inside by a passenger.
- C. There shall be no smoking in any taxicab which is at the time being used to carry passengers.

§ 228-25. Rates of fare.

It shall be unlawful for any taxicab owner or operator or for any taxicab driver to charge a fare for taxicab service of less than \$0.25 per trip. Every person owning and operating a taxicab or taxicabs in the City of Oswego shall file, in the office of the Chief of Police and in the office of the City Clerk, a schedule of rates in which he/she shall set forth:

- A. The minimum rate per trip to be charged for taxicab service furnished by him.
- B. To what point or points, place or places, zone or zones his/her scheduled minimum rate shall apply.
- C. The rate or rates of fare to be charged per trip to any point or points, place or places, zone or zones to which his/her scheduled minimum rate of fare does not apply.
- D. The maximum number of passengers to be carried for the scheduled rates of fare. Every such owner shall give notice of the filing of his/her schedule of rates of fare and any alterations thereof as amendments thereto by publication thereof once in the official City paper.

§ 228-26. Penalties for offenses.

- A. Owners. Any owner or driver of a taxicab not licensed or equipped in accordance with the provisions of this chapter or of a taxicab the license of which has been suspended or revoked who engages in the business of a taxicab, as defined herein, or attempts to engage in such business or solicits passengers for hire shall, upon conviction, be punished by a fine of not less than \$150 and not more than \$250 or imprisonment for 15 days, or by both such fine and imprisonment.
- B. Drivers. Any person not having been duly licensed as a taxicab driver or any person whose license as such driver has been revoked or any person whose license has been suspended, and who, during the term of suspension drives for hire a taxicab upon the streets, shall, upon conviction, be punished by a fine of not less than \$250 and not more than \$500 or imprisonment for 15 days, or by both such fine and imprisonment.
- C. Any person who has been convicted of a violation of any provision of this chapter for which no punishment has been specifically provided, shall, upon conviction, shall be punished by a fine of not

less than \$150 and not more than \$500 or imprisonment for 15 days, or both such fine and imprisonment.

- D. Suspension and revocation of license. In addition to the fine or imprisonment, or both, authorized by this chapter, any licensee shall be subject to the suspension or revocation of his/her license upon conviction for any violation of this chapter. The Chief of Police may, in his/her discretion, suspend or revoke a license granted under any provision of this chapter, pending or in advance of the criminal prosecution of the licensee.

§ 228-27. When effective.

This chapter shall become effective 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.

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. 6 of 20 16 of the ~~(County)(City)(Town)(Village)~~ of Oswego was duly passed by the Common Council on November 28 20 16, and was (approved)(not approved) ~~(repassed after disapproval)~~ by the Mayor (Elective Chief Executive Officer\*) and was deemed duly adopted on November 29 20 16, in accordance with the applicable provisions of law.

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 \_\_\_\_\_ (Elective Chief Executive Officer\*) 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.

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 \_\_\_\_\_ (Elective Chief Executive Officer\*) 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.

\* 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.)**

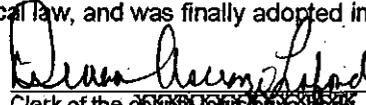
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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. \_\_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ 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.

  
Deana Ascenzi Lafond  
Clerk of the County Legislative Body, City, Town or Village Clerk of \_\_\_\_\_ designated by local legislative body

Date: November 29, 2016

(Seal)