

Legal Counsel Approval _____

R.L 07-078

Intro. No. 007-16

Perm. No. 007-15



IN
THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Dated: May 21, 2007

Sponsored by Councilmember(s): Collins, Weslar, Russo, Gerchman, Papastrat, Rennia, Kramer

Introduced by Committee(s) on: MPA

ORDINANCE
entitled

AN ORDINANCE AMENDING THE TAXICAB
SECTION OF THE BINGHAMTON CITY CODE

WHEREAS, General Municipal Law § 181 provides that municipalities may enact ordinances to regulate taxicabs and other livery motor vehicles; and

WHEREAS, the City of Binghamton has enacted Chapter 379, *Taxicabs*, to regulate taxicabs and other livery motor vehicles; and

WHEREAS, the City believes that definitions, permit fees, fine structure and other parts of the Chapter need to be amended.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Code of the City of Binghamton, Chapter 379 *Taxicabs*, is amended and restated as attached hereto.

Section 2. That this ordinance shall take effect immediately.

REVISIONS TO CHAPTER 379 *TAXICABS*

May 21, 2007

379-1. Definitions

TAXICAB -- Any taxi, shuttle, van, livery, or other 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; except vehicles excluded by the provisions of the Transportation Corporation Law, used by undertakers in carrying on their business, a shuttle bus operated by for the exclusive benefit or customers or guests, e.g. for an airport or hotel; and limousines used for events of at least three hours in duration.

379-3. Business license required; fee.

No person, corporation or entity shall be allowed to operate a taxicab business that has fares that bring them into the City limits more than five times a year without obtaining a license to operate such business from the City Clerk and paying a yearly license fee as set from time to time by resolution of the City Council. Any taxi cab owner that employs other drivers must provide written proof of workmen's compensation insurance, and must maintain such insurance for the duration of the license, or obtain a waiver from the Workmen's Compensation Board. If the insurance is terminated and the taxicab company continues to employ drivers without proper workmen's compensation insurance, the company's business license will be revoked.

The annual fee is \$200, effective June 1, 2007.

379-13. Assignment or transfer of license cards and stickers to other vehicles prohibited.

License cards and stickers issued pursuant to the provisions of this chapter shall not be assigned or used by any motor vehicle other than the one specified on such license card and sticker. Any violation of this section shall result in the immediate revocation of the license card and sticker. The Vehicle Identification Number will be typed in full on the City Inspection Sticker. This will correspond with the unique number of the City Inspection Sticker.

379-17. Taxicab driver's permits

C. Application for permit

8) Fee; transferability. The fee for a taxicab driver's permit and the fee for each renewal thereof shall be as set from time to time by resolution of the City Council. Such license shall not be transferable.

The annual fee is \$20, effective June 1, 2007.

379-19. Record of driver's permits.

There shall be kept in the office of the City Clerk a complete record of each taxicab driver's permit issued and of all the renewals, suspensions and revocations thereof, which record shall be kept on file with the original application of the driver for a permit. An online database will be kept on the City of Binghamton website and updated in an attempt to inform the public and business owners of people who hold a valid taxi driver's permit in the City. The City does not guaranty the accuracy of such information.

379-20. Maintenance of vehicle; seating capacity; change of address.

A. Maintenance of vehicle. Every holder of a taxicab driver's permit shall at all times keep the inside of the car operated by him or her in a clean sanitary condition.

B. Changes in address. Changes of address of the owner or driver of a taxicab shall be reported to the City Clerk, in writing, within three business days after such change of address.

C. Occupancy. No vehicle registered and licensed hereunder shall transport more occupants than said vehicle's maximum seating capacity as determined by the New York State Department of Motor Vehicles and/or the vehicle's manufacturer. There shall be at least one seatbelt for each occupant, including the driver.

D. No taxi shall carry more than one fare at a time, unless agreed to by the other passenger(s).

379-23. Penalties for offenses.

Any owner and/or operator found to be in violation of any of the following sections shall be subject to the following penalties: § 379-3, 379-5, 376-6, 379-7, 379-11, 379-12, 379-13, 379-14, 379-15, 379-16, 379-17, 379-20 or 379-21 of this chapter:

A. A minimum fine of \$300, but not exceeding \$800, for a first offense.

B. A minimum fine of \$800, but not exceeding \$1200, for a second offense within a three-year period, with a corresponding suspension of license/permit for a period of sixty (60) days.

C. A minimum fine of \$1200 for a third and all subsequent offenses within a three-year period, with a corresponding suspension of license/permit for a period of (9) nine months.