

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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

APR 29 2009

MISCELLANEOUS
& STATE RECORDS

- County
- City of Ilion, New York
- Town
- Village

Local Law No. 1-2009 of the year 20 09

A local law Taxicabs
(Insert Title)

Be it enacted by the Village Board of Ilion of the
(Name of Legislative Body)

- County
- City of Ilion, New York
- Town
- Village

as follows:

See text as set forth on attached Schedule "A"

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



(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. 1 of 20 09 of the (County)(City)(Town)(Village) of Ilion was duly passed by the Village Board on April 22 20 09, 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. _____ 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 _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, 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 _____ on _____ 20 _____ (Elective Chief Executive Officer*)~~

~~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 _____ 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 _____, above.

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

Date: April 24, 2009

(Seal)

(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 Oneida

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
Village Attorney

Title

County
City of Village of Ilion, Herkimer County, New York
Town
Village

Date: 4/24/2009



Schedule A

Village of Ilion

Local Law: 1-2009

It IS HEREBY ENACTED that the following section of the Code Chapter 219 be as follows:

CHAPTER 219, TAXICABS

ARTICLE I, General Provisions

§219-1. Definitions.

When the context in which words are used in this Chapter indicates that such is the intent, words in the singular shall include the plural, and vice versa, and pronouns in the masculine shall include the feminine and neuter, and vice versa.

Unless otherwise expressly stated, whenever used in this Chapter, the following words and terms shall have the following meanings:

FIRST TIME APPLICANT -- Any person applying for a Driver's License under this Chapter who either has never received a Taxicab Driver's License under this Chapter or who, for any reason, no longer has a current, valid Taxicab Driver's License under this Chapter.

RENEWING APPLICANT -- Any person applying for a Taxicab Driver's License under this Chapter who has a current, valid Taxicab Driver's License under this Chapter.

APPLICANT -- Includes both First Time Applicants and Renewing Applicants, collectively.

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

TAXICAB -- Includes any motor vehicle engaged in the business of carrying persons for hire, whether the same is operated from a Taxicab Stand or subject to call from a garage or otherwise operated for hire, except ambulances and vehicles subject to the provisions of the New York State Transportation Corporation Law, as amended, or used by undertakers in carrying on this business.

TAXICAB DRIVER -- Any person who drives a Taxicab, whether such person is a Taxicab Operator or is employed by a Taxicab Operator.

TAXICAB DRIVER'S LICENSE -- Permission granted by the Village to any person to drive any licensed Taxicab in the Village.

TAXICAB LICENSE -- Includes permission granted by the Village to a Taxicab Operator to operate or keep for pay or hire any Taxicab in the Village.

TAXICAB OPERATOR - Includes any person, firm, association, corporation, or any other entity who or which owns or has control of the use of one (1) or more Taxicabs used for hire upon the Streets of the Village.

FIRST TIME OPERATOR APPLICANT -- Includes any person firm, association, corporation, or any other entity applying for a Taxicab License, who or which either has never received a Taxicab License under this Chapter or who, for any reason, no longer has a current, valid Taxicab License under this Chapter.

RENEWING OPERATOR APPLICANT - Includes any person, firm, association, corporation, or any other entity applying for a Taxicab License, who or which has a current, valid Taxicab License under this Chapter.



OPERATOR APPLICANT - Includes both First Time Operator Applicants and Renewing Operator Applicants, collectively.

TAXICAB STAND – Includes any places alongside the curb of a Street or elsewhere which is exclusively reserved by the Village for the use of Taxicabs.

§219-2. Licenses required.

It shall be unlawful for any person to drive, operate or keep for hire or pay within the limits of the Village any Taxicab without first having obtained and paid for a Taxicab Driver's License or a Taxicab License, or both as the case may be, and having the same in force and effect, under the provisions of this Chapter.

ARTICLE III, Taxicab Driver's Licenses

§219-3. License required.

No person shall drive a Taxicab and no person shall permit anyone to drive a Taxicab within the limits of the Village 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.

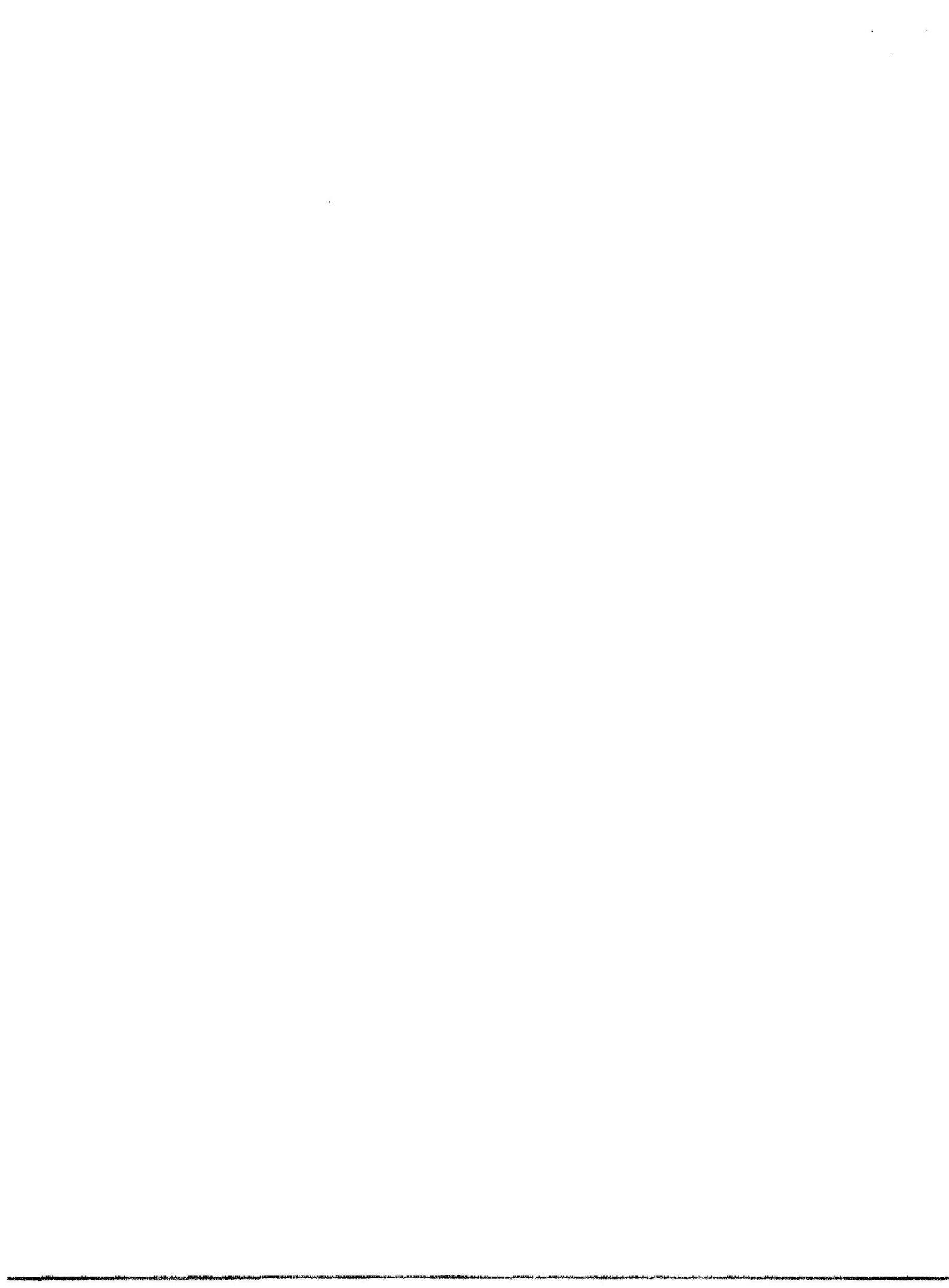
§219-4. Application.

A. Requirements for Applicants. Each Applicant shall comply with the following requirements. The Applicant shall:

- (1) Have a valid state chauffeur's license
- (2) Be eighteen (18) years of age or over.
- (3) Furnish either
 - a. A current, valid Medical Examiner's Certificate issued pursuant to 49 C.F.R. 391.43, as amended, and provide the license number of the medical examiner, the state that issued the medical license of the examiner, and the expiration date of the Medical Examiner's Certificate; or
 - b. a certificate of a duly licensed physician of the State of New York stating that the Applicant does not have any physical impairment which might render him unfit for the safe operation of a public vehicle. For First Time Applicants only, the certificate shall state further that a physical examination of such First Time Applicant was performed by the physician on a date not more than sixty days (60) days prior to the date of application. For Renewing Applicants only, the certificate shall further state that a physical examination of such Renewing Applicant was performed by the physician on a date not more than one hundred and eighty (180) days prior to date of application.

B. Application form.

- (1) Each Applicant shall provide the following information on a form to be provided by the Village Clerk:
 - (a) Full name and residence.
 - (b) Places of residence for the five (5) years immediately prior to the date of the application.
 - (c) Date of birth
 - (d) Height and weight
 - (e) Color of eyes and hair
 - (f) Place of birth
 - (g) Length of time a resident in the Village
 - (h) Citizenship



- (i) Whether or not the Applicant has ever been convicted of a misdemeanor or felony; if so, the nature of the offense, date of conviction and court.
- (j) Whether or not the Applicant has been previously licensed as an operator or chauffeur of a motor vehicle; if so, whether such license was ever suspended or revoked and for what cause.
- (k) The number of the chauffeur's license issued by the state.
- (2) The statement shall be signed and sworn to before a notary public or other official authorized to take oaths and filed with the Village Clerk as a permanent record.
- (3) In addition to the foregoing, the Village Clerk may require such additional information as he deems necessary.

C. Photograph required.

- (1) Each Applicant must file with his application three (3) unmounted, unretouched photographs showing only the Applicant's face and head, two by three (2 x 3) inches in dimension, in such position as the Village Clerk may direct, taken within sixty (60) days preceding the filing of the Applicant's application. One (1) photograph shall be so attached to the Taxicab Driver's License, when issued, that it cannot be removed.
- (2) Each Taxicab Driver shall, upon demand, exhibit his Taxicab Driver's License for inspection.

D. Fingerprints.

Each First Time Applicant shall file with his application impressions of the fingers and thumbs of his right and left hands. Such impressions shall be placed upon forms furnished by the Village Clerk, the impressions to be taken under the supervision of the Village Clerk or someone designated by him at such place or places as may be designed by the Village Clerk.

§219-5. Investigation by Police Department.

Applications, with photograph and any fingerprint impressions attached, shall forthwith be sent to the Chief of Police, who immediately shall investigate the Applicant, including checking the fingerprints and criminal records. No regular or part-time Taxicab Driver's License as hereinafter specified shall be issued until the receipt, in writing, from the Chief of Police of his report showing the result of his investigation of the Applicant. A temporary Taxicab Driver's License may be issued pending such investigation or as hereinafter provided.

§219-6. Ground for refusal to issue.

The Village Clerk shall have authority to refuse to issue a Taxicab Driver's License for the following reasons:

- A. Applicant's conviction of a felony
- B. Applicant's habitual drunkenness
- C. Unfavorable report by the Chief of Police as to the Applicant's character, physical condition and respect for traffic regulations.
- D. Applicant's falsification of any material statement in his application.
- E. Suspension or revocation of a previous Taxicab Driver's License as hereinafter provided.

§219-7. Form and terms.

- A. Upon satisfactory fulfillment of the foregoing requirements, a Taxicab Driver's License shall be issued to the Applicant which shall contain a photograph and the signature of the Taxicab Driver.
- B. Each Taxicab Driver's License shall be stamped by the Seal of the Village upon at least a portion of the photograph. All Taxicab Driver's Licenses shall be numbered in the order in which they are issued and



shall contain the name and place of residence of the Taxicab Driver and the dates of issuance and expiration of the Taxicab Driver's License and whether the Taxicab Driver's License is a regular, part-time or temporary license.

- C. Any Taxicab Driver who defaces, removes or obliterates any official entry made upon his Taxicab Driver's License shall be punished by the revocation of his license.
- D. The following types of Taxicab Driver's Licenses may be issued:
 - (1) Regular Taxicab Driver's Licenses, which shall be issued to all Taxicab Drivers engaged full time as Taxicab Drivers.
 - (2) Part-time Taxicab Driver's Licenses, which shall be issued to all Taxicab Drivers regularly engaged in driving Taxicabs not more than three (3) days or three (3) nights a week.
 - (3) Temporary Taxicab Driver's Licenses, which shall be issued to all Taxicab Drivers engaged in driving Taxicabs not more than once in each week and may also be issued for full-time work pending the investigation of an application for a regular or part-time Taxicab Driver's License.
- E. All Taxicab Driver's Licenses issued hereunder shall be valid for a period of one (1) year unless previously suspended or revoked, except temporary Taxicab Driver's Licenses pending the investigation of the Applicant for a regular or part-time Taxicab Driver's License, and shall be issued as of July 1 of each and every year and may be renewed from year to year by the Village Clerk .

§219-8. Fees.

- A. Taxicab Driver's License fees shall be paid for a Taxicab Driver's License or renewal thereof as determined by resolution of the Village Board.
- B. A regular or part-time Taxicab Driver's License shall be issued upon request to any person holding a part-time or temporary Taxicab Driver's License, except as herein otherwise provided, upon paying the additional fee therefor.
- C. Temporary Taxicab Driver's License fees shall not be prorated. Regular or part-time Taxicab Driver's License fees shall not be prorated for a period of less than six (6) months.

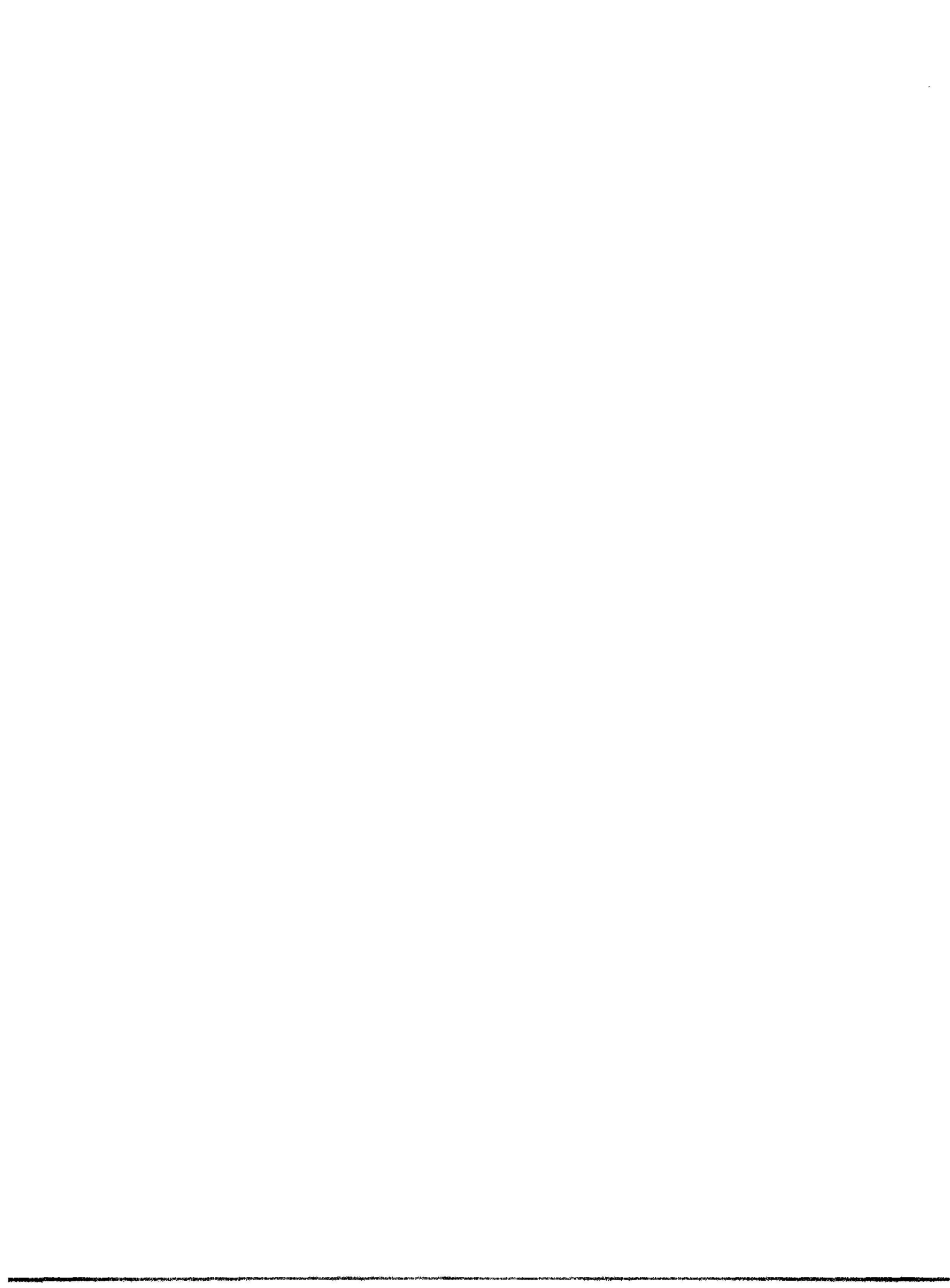
§219-9. Suspension or revocation.

- A. A Taxicab Driver's License may be suspended or revoked at any time for cause after a hearing by the Justice of the Village. Whenever any Taxicab Driver's License is suspended or revoked, such Taxicab Driver's License shall be forthwith delivered to the Village Clerk. A suspended Taxicab Driver's License shall be held by the Village Clerk until the expiration of the period for which such Taxicab Driver's License was suspended.
- B. No Taxicab Driver whose Taxicab Driver's License has been revoked shall be eligible to apply for another Taxicab Driver's License until after one (1) year from the date of revocation.
- C. The Village Clerk shall notify the Police Department whenever a Taxicab Driver's License is suspended or revoked.

ARTICLE III, TAXICAB LICENSES

§219-10. Application

- A. Application for a Taxicab License shall be made by the Taxicab Operator upon blank forms furnished by the Village Clerk. Such application shall contain:
 - (1) The name, age and address of the Taxicab Operator applying for the Taxicab License and what, if any, previous experience he or she has had in such business.



- (2) The name, age and residence of the person to be in immediate charge of any such Taxicab or Taxicabs.
- (3) For each Taxicab for which a Taxicab License is sought, the make, body type, year, vehicle identification number and state license number and the seating capacity according to its trade rating.
- (4) Whether the Taxicab Operator previously was licensed to operate as a Taxicab Operator and, if so, where.
- (5) Such other information as the Village Clerk may deem necessary.

B. Each First Time Operator Applicant shall file with his application impressions of the fingers and thumbs of his right and left hands. Such impressions shall be placed upon forms furnished by the Village Clerk, and the impression shall be taken under the supervision of the Village Clerk or someone designated by him at such place or places as may be designated by the Village Clerk.

§219-11. Bond.

Each Operator Applicant shall also furnish proof of liability insurance for each Taxicab to be licensed hereunder in at least the amount of fifth thousand dollars (\$50,000.00) for one (1) person and one hundred thousand dollars (100,000.) for each accident, and liability insurance in such amount shall remain in full force and effect during the period for which the license is in effect. The certificate of insurance shall specify that the insurance policy will not be canceled except on ten (10) days' notice to the Village. No Taxicab License shall be transferred to another Taxicab until proof of insurance covering the new Taxicab is filed and approved by the Village Clerk.

§219-12. Investigation by Police Department

Applications, with any fingerprint impression, shall forthwith be sent to Chief of Police, who immediately shall investigate the Operator Applicant, including checking the fingerprints and criminal records. If the Operator Applicant also has made or is making application for a Taxicab Driver's License under this Chapter, then only one (1) investigation and report needs to be made.

§219-13. Ground for refusal to issue.

In addition to the same grounds as specified in §219-6 herein, the application may also be refused where the Operator Applicant fails to furnish proof of inspection and certification by an accredited garage that the Taxicab is found to be in proper mechanical condition, which inspection must have taken place not more than thirty (30) days prior to the date of application.

§219-14. Issuance

Upon the approval of the application and the payment of the license fee hereinafter set forth, the Taxicab shall be licensed by delivering to the Taxicab Operator a card of such size and form as may be prescribed by the Village Clerk. The card shall contain the official Taxicab License number, the name of the Taxicab Operator and the date of issue and shall be signed by the Village Clerk under the Seal of the Village and shall at all times be displayed conspicuously in the interior of the Taxicab.

§219-15. Inspection of Taxicabs.

- A. Periodic inspection of each Taxicab shall be made once every sixty (60) days by an accredited garage, and, if the Taxicab is found to be in proper mechanical condition, a certificate shall be issued by such garage on a form to be prepared by the Village Clerk. All garages in the Village shall be deemed accredited unless otherwise designated by the Board of Trustees. A signed copy of the certificate of inspection shall be delivered, upon receipt, to the Chief of Police, who shall retain the same for a period of one (1) year. Such certificates shall be subject to public inspection.



- B. The Chief of Police or any police officer designated by him may inspect any Taxicab, and if such Taxicab shall, in his judgment be found unfit and unsafe for public patronage, he may forthwith suspend such Taxicab License until such a time as such Taxicab shall be put in proper and safe operating order.

§219-16.Fees; Term.

A license fee as determined by resolution of the Village Board shall be paid for each Taxicab License.

- A. All Taxicab Licenses shall be valid for a period of one (1) year unless previously suspended or revoked and shall be issued as of July 1 of each and every year and may be renewed from year to year by the Village Clerk.
- B. No initial license fee shall be prorated for a period of less than six (6) months.

§219-17.Suspended or revocation

Taxicab Licenses may be revoked or suspended at any time for cause after hearing before the Justice of the Village. When such Taxicab License is suspended or revoked, the Justice of the Village shall deliver the same to the Village Clerk, and it shall be returned to the Taxicab Operator only after the expiration of the suspension period.

ARTICLE IV, GENERAL REGULATIONS

§219-18. Records to be kept by Village Clerk

- A. Taxicab Driver's License. The Village Clerk shall keep a duplicate copy of each Taxicab Driver's License issued and all renewals thereof.
- B. Register of licensed Taxicabs. The Village Clerk shall keep a register or card index of the name of each Taxicab Operator, together with the Taxicab License number and the description and make of such Taxicab(s), 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.

§219-19. Designation of taxicab stands.

The Chief of Police is hereby delegated the authority to exercise by official order, rule or regulation the designation of Taxicab Stands upon the Streets.

§219-20. Duties of Taxicab Drivers.

Every Taxicab Driver, while driving a Taxicab shall:

- A. Convey any orderly person or persons, upon request, in the Village unless previously engaged or unable or forbidden by the provision of this Chapter so to do.
- B. Not carry any other person than the person or persons first employing the Taxicab, unless the person first employing the Taxicab consents to the acceptance of an additional passenger or passengers.
- C. Keep a written daily record of all trips. Such record shall be retained by the Taxicab Operator for at least six (6) months and shall be open to inspection by the Police Department at any time.
- D. Thoroughly search the interior of the Taxicab after termination of each trip for any article in the Taxicab and report all articles of value and unopened packages to Police Department.
- E. Report all accidents as required by the Vehicle and Traffic Law and report all accidents to the Taxicab Operator.



- F. Report each change of residence within forty-eight (48) hours.
- G. Answer all communications and summonses received from the Board of Trustees or the Police Department.
- H. Deliver all fares received to the Taxicab Operator.
- I. Not operate a Taxicab while his Taxicab Driver's License is suspended.
- J. Not permit another person to use his Taxicab Driver's License issued hereunder.
- K. Keep the interior of the Taxicab clean.
- L. Not recommend to any passenger the name of any hotel, restaurant or café or any place operated and maintained in violation of the law.
- M. Proceed with passengers to destination by the shortest possible route unless requested otherwise.
- N. Give a receipt for fares when requested.
- O. At all times, while on duty, have his Taxicab Driver's License displayed in the interior of his Taxicab.

§219-21. Assignability of licenses.

Every person to whom any 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 Village Clerk. Such license shall not be assigned or transferred to any other person or be applicable to any other motor vehicle than the one specified therein. Any Taxicab Driver or Taxicab Operator who permits his license to be used by any other person, and any person who so uses such license of any other person, shall be guilty of a violation of this Chapter.

§219-22. Loss or destruction of license.

Whenever any license issued under this Chapter 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 Village Clerk upon the filing of a sworn affidavit containing the facts of such loss or theft.

§219-23. Use of Taxicabs for unlawful purposes

It shall be unlawful for any Taxicab Driver to knowingly receive or transport any person or persons who intend to commit any unlawful act in such Taxicab during the voyage or at the termination thereof, whether within such Taxicab or not. It shall also be unlawful for any such Taxicab Driver to solicit or procure or aid or assist in soliciting or procuring any person to ride in a licensed Taxicab with the intent to commit any unlawful act therein or at any time during the voyage or at the termination thereof, whether within the Taxicab or not. ^(ENC159)

§219-24. Changes of address

Changes of address of the Taxicab Operator shall be reported to the Village Clerk, in writing, within three (3) days.

§219-25. Register of drivers.

The Taxicab Operator shall keep a daily register of all part-time and temporary Taxicab Drivers operating any Taxicab licensed hereunder, showing the dates and hours worked by each. Such record shall be open to inspection by the Police Department. The Taxicab License of any driver holding a temporary Taxicab Driver's License other than that pending the investigation of his application shall be immediately revoked in the event that such Taxicab Driver shall operate a Taxicab more than once in each week during the period such temporary Taxicab Driver's License is in force. Such violation by a Taxicab Driver holding a temporary Taxicab Driver's License as above specified shall also be cause for the suspension of the Taxicab Operator's Taxicab License issued hereunder.



ARTICLE V, PENALTIES

§219-26. Penalties for offenses.

Any person committing an offense against any provision of this Chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable for each offense by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

§219-27. Suspension or revocation.

In addition to the foregoing, any Taxicab Driver and/or Taxicab Operator shall be subject to the suspension or revocation of his respective license, upon conviction for violation of any provision of this Chapter.

This law shall take effect immediately upon its filing with the Secretary of State

