

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

## Chapter 200

# Special Livery Vehicles

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 8-5-2003; amended in its entirety 5-17-2005. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Demonstrations — See Ch. 98.

Parades — See Ch. 151.

Streets and sidewalks — See Ch. 203.

Taxicabs — See Ch. 215.

Vehicles and traffic — See Ch. 225.

---

#### Article I

### Intent; Definitions; General Operating Requirements

#### § 200-1 Legislative intent.

The Saratoga Springs City Council finds that the public interest will be served by the reasonable regulation of specialized livery services. Such services can provide a novel and entertaining way to enjoy local attractions and events. However, their frequent use by the public generates a substantial need for licensing, regulation, and supervision. This chapter is intended to create reasonable regulations for special livery vehicles.

#### § 200-2 Definitions.

The following terms shall have the meanings indicated:

#### **CARRIAGE**

A special livery vehicle for hire drawn by equine and carrying passengers only.

#### **DRIVER**

Any person who drives a special livery vehicle for hire, whether such person is the owner of said vehicle or an employee of the owner of said vehicle.

#### **EQUINE**

Any member of the family Equidae, including horses, mules, and asses.

#### **HUMANE CARE**

The provision of adequate food, water, shelter and medical care consistent with the normal requirements and feeding habits of the equine's size, species and breed.

#### **LICENSE**

Permission granted by the City of Saratoga Springs to any person, firm, corporation, or other legal entity to engage in activities described in this chapter.

**MOTORIZED SPECIAL LIVERY VEHICLE**

Any special livery vehicle powered entirely or in part by a motor or engine. The term shall include all motorized vehicles used as special livery vehicles and not as taxicabs as defined in Chapter 215 of the City Code.

**OWNER**

Any person, firm, corporation or legal entity that engages in the business of operating special livery vehicles for hire.

**PEDICAB**

A special livery vehicle for hire powered exclusively by human power through a drive train and having three or more wheels.

**SPECIAL LIVERY VEHICLE**

Any conveyance, powered by motor, animal or otherwise, hired by persons for entertainment or recreational purposes and not intended or operated as a means of public transportation.

**VETERINARIAN**

Any person licensed by the State of New York to practice veterinary medicine and who specializes in equine or large animal medicine.

**§ 200-3 General operating requirements.**

No person shall own, operate, drive or offer for rental in the City of Saratoga Springs any manner of special livery vehicle unless such special livery vehicle is of a kind or type regulated under this chapter and all required licenses have been obtained.

Article II  
**Equine-Drawn Carriages**

**§ 200-4 Licenses required.**

- A. No person, firm, corporation or legal entity shall engage in the business for profit of operating any equine-drawn carriage or equine-drawn carriages for hire in the City of Saratoga Springs without first obtaining an owner's license as described in this article.
- B. No person shall act as a driver of an equine drawn carriage for hire in the City of Saratoga Springs without first obtaining a valid driver's license as described in this article.
- C. No license shall be required for any person, firm, corporation or legal entity who engages in the business for profit of operating any equine-drawn carriage or equine-drawn carriages for hire, or who drives said carriage or carriages, as part of a special event as permitted by Chapter 69 of the City Code, or as part of a parade as permitted by Chapter 151 of the City Code, or in any circumstance where said carriage or carriages are hired for private use upon private property or upon property owned by the State of New York, except that persons, firms, corporations or legal entities who operate carriages under any of the aforementioned circumstances shall comply with operating regulations in § 200-8E, F, H, I, J, K, M, P, Q, S, T, W, X, Z and AA of this article.

**§ 200-5 Application for owner's license.**

- A. An application for an owner's license under this article shall be filed in the office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:
  - (1) The name, address, and telephone number of the applicant, and, if the applicant is a partnership or operating under an assumed name, a certified copy of the certificate of partnership or assumed name or

names, and, if the applicant is a corporation, the names and addresses of all corporate officers and stockholders.

- (2) A publicly listed telephone number maintained by the applicant.
  - (3) The name, home address, telephone number and date of birth of each driver who will drive carriages for the applicant, and a copy of each driver's valid state motor vehicle driver's license.
  - (4) Insurance.
    - (a) Proof of commercial general liability insurance, including personal injury liability insurance specific to equine-drawn carriages for hire in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. The City shall be included as an additional insured on said insurance.
    - (b) Proof of statutory workers' compensation and employer's liability insurance for all employees.
    - (c) A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including, but not limited to, attorney's fees) arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or negligent act or omission of the applicant, or the applicant's employees, agents, or subcontractors.
  - (5) One or more photographs of each carriage to be used by the applicant, and a description of each such carriage, including length, width, passenger capacity and number of equine used.
  - (6) A sworn affidavit from the owner stating that the applicant has inspected each carriage and is qualified to determine whether such carriage is in safe operating condition, and has determined that the carriage is in safe operating condition.
  - (7) A New York State tax identification certificate.
  - (8) Proof of annual health inspection for each equine used, together with proof of good health from a veterinarian, including proof of a negative Coggins test and a rabies vaccination.
  - (9) A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.
  - (10) Any other information deemed necessary by the Commissioner of Accounts for the reasonable review of the application.
- B. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant to the DCJS. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.

**§ 200-6 Application for driver's license.**

- A. An application for a driver's license shall be filed in the office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:
- (1) Proof that the applicant is at least 18 years old.

- (2) Proof that the applicant is the holder of a valid state motor vehicle driver's license.
  - (3) A copy of the applicant's driving record obtained from the Department of Motor Vehicles.
  - (4) A statement that the applicant is in good health and not subject to any infirmity of mind or body that might render the applicant incapable or unfit to safely operate an equine-drawn carriage.
  - (5) A statement that the applicant is able to communicate effectively in English.
  - (6) A statement that the applicant does not unlawfully use any drug or controlled substance.
  - (7) A sworn affidavit from the applicant, and, if the applicant is not the owner of the carriage, a sworn affidavit from the owner, stating that the applicant is competent to safely drive an equine-drawn carriage, has knowledge and experience in driving such carriages, and has knowledge of proper equine grooming, care, nutrition, and equipment.
  - (8) A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.
- B. No driver's license shall be issued to any applicant who fails to meet the standards established in Article 23-A of the Corrections Law of the State of New York. In addition to and not in limitation of the foregoing, no driver's license shall be issued to any applicant who is at the time of application under indictment for a felony anywhere in the United States, or who has been convicted of a felony anywhere in the United States within the past five years preceding the application, or who has been convicted of two or more misdemeanors within the past two years preceding the application.
- C. No license shall be issued to any applicant who has been convicted of any of the following crimes: robbery, rape, sexual abuse, aggravated sexual abuse, or course of sexual conduct against a child, or of the crime of assault with intent to commit any of the aforementioned crimes.
- D. No driver's license shall be issued to any applicant who has been convicted of the crime of criminal sale of a controlled substance in any degree as established in the Penal Law.
- E. No driver's license shall be issued to any applicant who has been convicted of any offense involving mistreatment, torture or cruelty to animals as provided in Article 26 of the Agriculture and Markets Law.
- F. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.

**§ 200-7 Issuance of license.**

- A. Upon consideration of the factors listed in §§ **200-5** and **200-6** above, the Commissioner of Accounts may issue a license to the applicant. Each license shall expire on December 31 in the year issued. The Commissioner of Accounts shall have authority to impose reasonable conditions upon any license issued. The Commissioner may also refuse to issue a license to an applicant based upon a determination that the applicant fails to satisfactorily meet the requirements stated in those sections, or that the issuance of the license would adversely affect public health, safety and welfare. Denial of an application shall be sent to the applicant in writing at the address indicated on the application. Upon the applicant's written request, a hearing may be conducted at which the applicant may provide evidence that he or she

should be issued a license.

- B. In the event that the number of applicants exceeds the number of licenses that the Commissioner of Accounts has determined to be the maximum allowable in the interest of public health, safety and welfare, the Commissioner shall have the authority to conduct a lottery or other fair and equitable selection process to determine which applicants shall receive the available licenses.

§ 200-8 **Operating regulations.**

Every equine-drawn carriage operated under this article shall comply with the following regulations:

- A. All carriages shall follow established schedules as adopted in Addendum A and amended from time to time.
- B. Carriages shall be driven in the traffic lane closest to the curb, except when necessary in emergencies to make way for vehicular and pedestrian traffic.
- C. Carriages shall not operate between the hours of 1:00 a.m. and 7:00 a.m.
- D. Carriages shall operate only during the hours as adopted in Addendum A.
- E. No person shall ride on the back of any equine used to draw a carriage.
- F. Two drivers, or one driver and one assistant to the driver shall remain with each carriage at all times while in operation.
- G. Each driver shall display a photo license at all times while the carriage is in operation.
- H. A driver shall not drive a carriage when a passenger is standing in the carriage or is in any way not seated securely and safely within the carriage.
- I. Every driver shall provide humane care to every equine under his or her control.
- J. Every equine that shall draw a carriage shall be in good health and shall be not less than three nor more than 20 years old.
- K. Every equine that shall draw a carriage shall be not more than six months pregnant.
- L. Each owner of an equine or equines shall provide proof each year showing that the equine is in good health. The proof shall identify each equine according to a Coggins test or other test generally accepted in veterinary practice.
- M. No equine shall be left unattended.
- N. No equine shall be worked more than eight hours in a twenty-four-hour period.
- O. No equine shall be worked more than five days within a seven-day period.
- P. No equine shall be worked if the temperature is above 90° F. or below 18° F.
- Q. No equine shall draw more than twice its body weight. For purposes of this regulation, weight drawn shall include carriage, passengers and driver.
- R. Each equine shall be groomed daily prior to starting work.
- S. Each equine shall have hooves properly trimmed and studded shoes correctly fitted.

- T. All carriages shall be equipped with an overcheck rein and shall be in safe mechanical condition.
- U. Each carriage shall be originally constructed as a passenger carriage. A carriage's wheelbase shall not exceed 14 feet. A carriage's overall chassis length, exclusive of shafts and equine, shall not exceed 28 feet. A carriage's overall width shall not exceed 78 inches.
- V. No carriage shall be drawn by more than two equine, except carriages permitted as part of a special event under City Code Chapter 69, or as part of a parade permitted under City Code Chapter 151.
- W. All carriages shall be equipped with electric front and rear lamps as required by § 1223 of the Vehicle and Traffic Law, and shall be equipped with an orange triangle as required for slow-moving vehicles under the Vehicle and Traffic Law. Reflective bands shall be placed on the legs of each equine.
- X. Each carriage shall be equipped with a device of the type commonly known as a "diaper" and used to contain animal waste. Each person operating a carriage shall promptly clean up solid waste spills produced by equines under his or her control. Each person shall maintain at a readily accessible location a supply of disinfectant agent and shall use said agent to disinfect all animal waste spills produced by equines under his or her control.
- Y. Each driver shall have a radio or cellular communication system.
- Z. Each carriage shall be equipped with brakes on at least the two rearmost wheels.
- AA. Each carriage shall be equipped with a sign, affixed to the rear of the carriage, with the words "Keep Back 25 feet" in letters not less than three inches high.

§ 200-9 License fees.

[The following fees shall be paid for licenses under this article:] Fees shall be established from time to time by the City Council for the licensure of Special Livery Vehicles and Special Livery Drivers' Licenses. A schedule of all such fees will be available for review in the Office of the City Clerk and on the City's website

A. Payment of the applicable fees under this section shall be due upon filing or renewal of the application.

[License]	[Fee]
[Owner's license]	[\$250, plus \$50 for each additional carriage]
[Driver's license]	
[Initial application]	[\$10]
[Each renewal]	[\$35]

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted Table

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Right: -5.26"

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Indent: Left: -0.1", First line: 0.06", Right: -5.96"

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Indent: Left: -0.1", First line: 0.06"

Formatted: Font: Bold

Formatted: Font: Bold

§ 200-10 Suspension or revocation of license.

The Commissioner of Accounts may, upon due notice, revoke, suspend or refuse to renew any license issued for a violation of any of the provisions of this article or for any other act or omission that demonstrates the licensee's inability to safely and properly conduct the licensed activity. When a license shall be revoked or suspended, no refund of any portion of the license fee shall be made. Notice of such revocation, suspension or refusal to renew and the reason or reasons therefor in writing shall be served by the Commissioner of Accounts upon the licensee or mailed to the licensee's address as stated on the application.

**§ 200-11 Penalties for offenses.**

Any person who, by himself or herself or by an agent or employee, shall conduct any activity described in this article, without a license, or who shall violate any of the provisions of this article, or who, having had a license revoked or suspended, shall continue to conduct any activity described in this article, shall, upon conviction, be subject to the penalties set forth in Chapter **I**, General Provisions, Article **III**, of the Code.

Article III  
**Motorized Vehicles**

**§ 200-12 Licenses required.**

- A. No person, firm, corporation or legal entity shall engage in the business for profit of operating a motorized special livery vehicle for hire in the City of Saratoga Springs, without first obtaining an owner's license as described in this article.
- B. No person shall act as a driver of a motorized special livery vehicle without first obtaining a driver's license as described in this article.
- C. No license shall be required for any person, firm, corporation or legal entity who engages in the business for profit of operating a motorized special livery vehicle for hire, or who drives said vehicle or vehicles, as part of a special event as permitted by Chapter 69 of the City Code or in any circumstance where said vehicle or vehicles are hired for private use upon private property or upon property owned by the State of New York.

**§ 200-13 Application for owner's license.**

- A. An application for an owner's license under this article shall be filed in the office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:
  - (1) The name, address, and telephone number of the applicant, and, if the applicant is a partnership or operating under an assumed name, a certified copy of the certificate of partnership or assumed name or names, and, if the applicant is a corporation, the names and addresses of all corporate officers and stockholders.
  - (2) A publicly listed telephone number maintained by the applicant.
  - (3) The name, home address, telephone number and date of birth of each driver who will drive vehicles for the applicant, and a copy of each driver's valid New York State motor vehicle driver's license of Class E.
  - (4) Insurance.
    - (a) Proof of commercial general liability insurance, including personal injury liability insurance specific to motorized vehicles for hire in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate, and \$1,000,000 combined single-limit automobile liability insurance for owned, nonowned and hired vehicles. The City shall be included as an additional insured on said insurance.
    - (b) Proof of statutory workers' compensation and employer's liability insurance for all employees.
  - (c) A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees) arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or negligent act or omission of the applicant, or the applicant's employees, agents, or subcontractors.

- (5) One or more photographs of each vehicle to be used by the applicant, and a description of each such vehicle, including length, width, and passenger capacity.
  - (6) A New York State tax identification certificate.
  - (7) Proof that the applicant is the holder of a valid New York State motor vehicle driver's license of Class E.
  - (8) A copy of the applicant's driving record obtained from the Department of Motor Vehicles.
  - (9) An affidavit from the applicant stating that each vehicle for which a license is requested complies with all requirements of the New York Motor Vehicle and Traffic Law.
  - (10) A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.
- B. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.

§ 200-14 **Application for driver's license.**

- A. An application for a driver's license shall be filed in the office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:
- (1) Proof that the applicant is at least 18 years old.
  - (2) Proof that the applicant is the holder of a valid New York State motor vehicle driver's license of Class E.
  - (3) A copy of the applicant's driving record obtained from the Department of Motor Vehicles.
  - (4) A statement that the applicant is in good health and not subject to any infirmity of mind or body that might render the applicant incapable or unfit to safely operate a motorized vehicle.
  - (5) A statement that the applicant is able to communicate effectively in English.
  - (6) A statement that the applicant does not use unlawfully any drug or controlled substance.
  - (7) A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.
- B. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.
- C. No driver's license shall be issued to any applicant who fails to meet the standards established in Article 23-A of the Corrections Law of the State of New York. In addition to and not in limitation of the foregoing, no driver's license shall be issued to any applicant who is at the time of application under indictment for a felony anywhere in the United States, or who has been convicted of a felony anywhere



in the United States within the past five years preceding the application, or who has been convicted of two or more misdemeanors within the past two years preceding the application or who has been convicted of more than one moving violation in the past year.

- D. No licenses shall be issued to any applicant who has been convicted of any of the following crimes: robbery, rape, sexual abuse, aggravated sexual abuse, or course of sexual conduct against a child, or of the crime of assault with intent to commit any of the aforementioned crimes.
- E. No driver's license shall be issued to any applicant who has been convicted of the crime of criminal sale of a controlled substance in any degree as established in the Penal Law.

**§ 200-15 Issuance of license.**

Upon consideration of the factors listed in §§ 200-13 and 200-14 above, the Commissioner of Accounts may issue a license to the applicant. Each license shall expire on December 31 in the year issued. The Commissioner of Accounts shall have authority to impose reasonable conditions upon any license issued. The Commissioner may also to issue a license to an applicant based upon a determination that the applicant fails to satisfactorily meet the requirements stated in those sections. Denial of an application shall be sent to the applicant in writing at the address indicated on the application. Upon the applicant's written request, a hearing may be conducted at which the applicant may provide evidence that he or she should be issued a license.

**§ 200-16 Fees.**

[The following fees shall be paid for licenses under this article:] Fees shall be established from time to time by the City Council for the licensure of Special Livery Vehicles and Special Livery Drivers' Licenses. A schedule of all such fees will be available for review in the Office of the City Clerk and on the City's website

B. Payment of the applicable fees under this section shall be due upon filing or renewal of the application.

<b>[License]</b>	<b>[Fee]</b>
[Owner's] [license]	[\$250, plus \$50 for each additional vehicle]
[Driver's] [license]	
[Initial] application 1	[\$10]
[Each] [renewal]	[\$35]

Formatted Table

Formatted: Indent: Left: 0.1", Hanging: 0.31"

**§ 200-17 Construal of provisions.**

- A. Nothing in this article shall be construed so as to supersede any provision of the New York State Vehicle and Traffic Law, and/or any regulation of the New York State Insurance Department, and/or any provision of City Code Chapter 225, entitled "Vehicles and Traffic." No license granted under this article shall be construed so as to give permission to the licensee to do any act or engage in any activity contrary to the aforementioned state and City laws.

**§ 200-18 Suspension or revocation of license.**

The Commissioner of Accounts may, upon due notice, revoke, suspend or refuse to renew any license issued for a violation of any of the provisions of this article or for any other act or omission that demonstrates the licensee's inability to safely and properly conduct the licensed activity. When a license shall be revoked or suspended, no refund of any portion of the license fee shall be made. Notice of such revocation, suspension or refusal to renew and the reason or reasons therefor in writing shall be served by the Commissioner of Accounts upon the licensee or mailed to the licensee's address as stated on the application.

**§ 200-19 Penalties for offenses.**

Any person who, by himself or herself or by an agent or employee, shall conduct any activity described in this article, without a license, or who shall violate any of the provisions of this article, or who, having had a license revoked or suspended, shall continue to conduct any activity described in this article, shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of the Code.

**Article IV  
Pedicabs**

**§ 200-20 License required.**

- A. No person, firm, corporation or legal entity shall engage in the business for profit of operating a pedicab for hire in the City of Saratoga Springs without first obtaining an owner's license as described in this article.
- B. No person shall act as a driver of a pedicab without first obtaining a driver's license as described in this article.

**§ 200-21 Application for owner's license.**

- A. An application for an owner's license under this article shall be filed in the office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:
  - (1) The name, address, and telephone number of the applicant, and, if the applicant is a partnership or operating under an assumed name, a certified copy of the certificate of partnership or assumed name or names, and, if the applicant is a corporation, the names and addresses of all corporate officers and stockholders.
  - (2) A publicly listed telephone number maintained by the applicant.
  - (3) The name, home address, telephone number and date of birth of each driver who will drive pedicabs for the applicant, and a copy of each driver's valid New York State motor vehicle driver's license.
  - (4) Insurance.
    - (a) Proof of commercial general liability insurance, including personal injury liability insurance specific to pedicabs for hire in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. The City shall be included as an additional insured on said insurance.
    - (b) Proof of statutory workers' compensation and employer's liability insurance for all employees.
    - (c) A fully executed hold harmless agreement, in a form satisfactory to the City, by which the applicant shall indemnify and save harmless the City and its agents and employees from and against all claims, damages, loss and expense (including but not limited to attorney's fees) arising out of or resulting from the licensed activity, sustained by any person or persons, provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property caused by the tortious or negligent act or omission of the applicant, or the applicant's

employees, agents, or subcontractors.

- (5) One or more photographs of each pedicab to be used by the applicant, and a description of each such vehicle, including length, width, and passenger capacity.
  - (6) A New York State tax identification certificate.
  - (7) Proof that the applicant is the holder of a valid motor vehicle driver's license. **[Amended 7-3-2007]**
  - (8) A copy of the applicant's driving record obtained from the Department of Motor Vehicles.
  - (9) An affidavit from the applicant stating that each vehicle for which a license is requested complies with all requirements of the New York Vehicle and Traffic Law.
  - (10) A set of the applicant's fingerprints, or, if the applicant is a legal entity other than an individual, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.
- B. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.

§ 200-22 **Application for driver's license.**

- A. An application for a driver's license shall be filed in the office of the Commissioner of Accounts. The application shall be signed and sworn to by the applicant and shall contain the following information:
- (1) Proof that the applicant is at least 18 years old.
  - (2) Proof that the applicant is the holder of a valid motor vehicle driver's license. **[Amended 7-3-2007]**
  - (3) A copy of the applicant's driving record obtained from the Department of Motor Vehicles.
  - (4) A statement that the applicant is in good health and not subject to any infirmity of mind or body that might render the applicant incapable or unfit to safely operate a pedicab.
  - (5) A statement that the applicant is able to communicate effectively in English.
  - (6) A statement that the applicant does not unlawfully use any drug or controlled substance.
  - (7) A set of the applicant's fingerprints, or, a set of fingerprints of the chief executive officer or chief representative of that legal entity, to be taken by the Saratoga Springs Police Department.
- B. The Saratoga Springs Police Department shall investigate the applicant's qualifications and background. The Police Department shall initiate a criminal history record search through the State Division of Criminal Justice Services (DCJS) by submitting the applicant's fingerprints and required procedures fee, which shall be paid by the applicant, to the DCJS. The results of the criminal history record search shall be reviewed by the Chief of Police, or by a member of the Police Department designated by the Chief of Police.
- C. No driver's license shall be issued to any applicant who fails to meet the standards established in Article 23-A of the Corrections Law of the State of New York. In addition to and not in limitation of the foregoing, no driver's license shall be issued to any applicant who is at the time of application under

indictment for a felony anywhere in the United States, or who has been convicted of a felony anywhere in the United States within the past five years preceding the application, or who has been convicted of two or more misdemeanors within the past two years preceding the application, or who has been convicted of more than one moving violation in the past year.

- D. No licenses shall be issued to any applicant who has been convicted of any of the following crimes: robbery, rape, sexual abuse, aggravated sexual abuse, or course of sexual conduct against a child, or of the crime of assault with intent to commit any of the aforementioned crimes.
- E. No driver's license shall be issued to any applicant who has been convicted of the crime of criminal sale of a controlled substance, in any degree as established in the Penal Law.

**§ 200-23 Issuance of license.**

Upon consideration of the factors listed in §§ 200-21 and 200-22 above, the Commissioner of Accounts may issue a license to the applicant. Each license shall expire on December 31 in the year issued. The Commissioner of Accounts shall have authority to impose reasonable conditions upon any license issued. The Commissioner may also to issue a license to an applicant based upon a determination that the applicant fails to satisfactorily meet the requirements stated in those sections. Denial of an application shall be sent to the applicant in writing at the address indicated on the application. Upon the applicant's written request, a hearing may be conducted at which the applicant may provide evidence that he or she should be issued a license.

**§ 200-24 Fees.**

[The following fees shall be paid for licenses under this article:] Fees shall be established from time to time by the City Council for the licensure of Special Livery Vehicles and Special Livery Drivers' Licenses. A schedule of all such fees will be available for review in the Office of the City Clerk and on the City's website

C. Payment of the applicable fees under this section shall be due upon filing or renewal of the application.

<b>[License</b>	<b>[Fee</b>
[Owner's] [license]	[\$250,] [plus \$50] [for each] [additiona ll] vehicle]
[Driver's] [license]	
Initial application ]	\$10]
[Each] [renewal]	\$35]

**§ 200-25 Construal of provisions.**

Nothing in this article shall be construed so as to supersede any provision of the New York State Vehicle and Traffic Law, and/or any regulation of the New York State Insurance Department, and/or any provision of City Code Chapter 225 entitled "Vehicles and Traffic." No license granted under this article shall be construed so as to give permission to the licensee to do any act or engage in any activity contrary to the aforementioned state and City laws.

**§ 200-26 Suspension or revocation of license.**

The Commissioner of Accounts may, upon due notice and following a hearing, revoke, suspend or refuse to renew any license issued for a violation of any of the provisions of this article or for any other act or omission that demonstrates the licensee's inability to safely and properly conduct the licensed activity. When a license shall be revoked or suspended, no refund of any portion of the license fee shall be made. Notice of such revocation, suspension or refusal to renew and the reason or reasons therefor in writing shall be served by the Commissioner of Accounts upon the licensee or mailed to the licensee's address as stated on the application.

**§ 200-27 Penalties for offenses.**

Any person who, by himself or herself or by an agent or employee, shall conduct any activity described in this article without a license, or who shall violate any of the provisions of this article, or who, having had a license revoked or suspended, shall continue to conduct any activity described in this article, shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of the Code.

**§ 200-28 Operating regulations.**

Every pedicab operated under this article shall comply with the following regulations:

- A. Each pedicab driver shall be in a physical condition to safely operate and control the pedicab at all times.
- B. Each pedicab shall be equipped with a radio or cellular communication device.
- C. Each pedicab shall be equipped with a battery- or generator-powered white front light visible for at least 500 feet, red taillights visible for at least 300 feet, at least one light on each side visible for at least 200 feet, reflective tires or wheels, brake lights, a horn or other audible signal that can be heard for at least 100 feet, and hydraulic or mechanical brakes capable of causing the vehicle to skid on dry clean pavement.
- D. Pedicabs shall illuminate headlights and taillights when operating after sunset, and when operating in fog or in inclement weather.
- E. No person shall attach any trailer, sidecar, or other auxiliary vehicle to any pedicab.
- F. All pedicabs shall follow established schedules as adopted in Addendum B and amended from time to time.
- G. Pedicabs shall be driven in the traffic lane closest to the curb, except when necessary in emergencies to make way for vehicular and pedestrian traffic.
- H. Pedicabs shall not operate between the hours of 1:00 a.m. and 7:00 a.m.
- I. Passengers and drivers shall remain seated at all times while the pedicab is in motion. No person shall stand on any part of a pedicab while the pedicab is in motion. No person shall ride on the back of any pedicab.
- J. Pedicabs shall be equipped with seat belts for all passengers under age five and helmets for all

passengers under age 14.

- K. Pedicabs shall be equipped with a reflective orange triangle as required for slow-moving vehicles.
- L. Pedicabs shall be kept clean and in good working order.
- M. Pedicabs shall be of heavy steel-frame construction with wheels not less than 26 inches in diameter. No pedicab shall be operated under this article that is not, in the opinion of the Traffic Safety Division, safe for use upon the public highways.
- N. Each pedicab shall have a sign affixed to the back reading "Keep Back 25 feet" in letters not less than three inches high.
- O. No pedicab shall be left unattended unless locked and with brakes activated.
- P. Each pedicab driver shall wear neat and clean attire, including a collared shirt, and shall display his or her photo identification card on his or her person.
- Q. Each pedicab driver shall carry a copy of this article while on duty.
- R. Each pedicab driver shall notify police in case of accident or injury.
- S. Each driver shall post a schedule of fares in the pedicab and shall give a receipt to each passenger upon request.
- T. No owner or driver shall allow passengers to smoke or to drink alcoholic beverages. Each pedicab shall feature a sign or logo indicating that smoking and drinking alcoholic beverages is prohibited.
- U. The Commissioner of Accounts shall have authority to reject or cause the removal of any banners, noisemakers, pennants, flags, or other devices attached to any pedicab that would, in the Commissioner's judgment, obstruct or distract drivers and/or pedestrians so as to cause a danger or hazard.
- V. Each pedicab shall be subject to inspection at all times by the Code Administrator and/or by the Police Department.
- W. No pedicab shall be in any manner leased, loaned, given, or transferred for use by any person, firm, corporation, or legal entity, unless and until such person, firm, corporation or legal entity is duly licensed and insured as an owner or driver under this article.

#### Article V

#### **Advertising on Special Livery Vehicles**

##### **§ 200-29 Purpose; construal of provisions.**

- A. The purpose of this article is to establish reasonable criteria for the display of advertising and commercial messages on special livery vehicles licensed under this chapter. It is in the public interest that such advertising or commercial messages should not obstruct or distract drivers and/or pedestrians so as to cause a danger or hazard.
- B. Nothing in this article shall be construed to prohibit any form of constitutionally protected speech or expression.

##### **§ 200-30 Regulations.**

The following regulations shall apply to all advertising on special livery vehicles:

- A. Advertising shall be displayed only on a single fixed flat sign or panel, not larger than 20 inches by 28 inches, attached to or painted on the back of the special livery vehicle. No three-dimensional, illuminated or moving displays shall be permitted. In addition, a pedicab owner may display his or her company logo on the sides of each pedicab owned by that company, in a space not larger than two square feet.
- B. Letters and numbers shall be not more than 12 inches in height nor more than six inches wide.
- C. Advertising shall not be displayed on the top of the roof, canopy or cover of a special livery vehicle.
- D. All advertising proposed shall be submitted to the Commissioner of Accounts for review.
- E. The Commissioner of Accounts shall have authority to reject or cause the removal of any advertising which is in violation of this article or which, in the Commissioner's judgment, would obstruct or distract drivers and/or pedestrians so as to cause a danger or hazard.

Article VI  
**Review of Provisions**

§ 200-31 **Schedule for review.**

The Commissioner of Accounts shall cause the provisions of this chapter to be reviewed ~~from time to time,~~ and reconsidered in January of every other year. Nothing in this section shall be construed so as to prohibit the Commissioner of Accounts from reviewing said provisions ~~[more frequently,]~~ at the Commissioner's discretion.

**Attachments:**

[200a Addendum A Equine Carriages](#)

[200b Addendum B Pedicabs](#)