

LOCAL LAW NO. 10 OF 2024

A LOCAL LAW amending 299 of the Code of the Town of Southampton.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

SECTION 1. Legislative Intent.

The Town Board seeks to simplify the process for home improvement contractors to become licensed, while at the same time creating clearer standards for the appeals process, and process for hearing complaints against home improvement contractor's grounds for suspension and/or revocation. The Town Board also wishes to disband the current license review board, and merge its functions with the already established public safety commission as it already hears matters of a substantially similar subject matter. Merging these boards can serve to streamline government processes and reduce waste by consolidating duplicative services.

SECTION 2. Amendment.

Chapter 299-1 of the Southampton Town Code is hereby amended by deleting the stricken words and adding the underlined words as follows:

§ 299-1 Purpose and intent.

A. The purpose of this chapter is to regulate the activities of taxicabs and other vehicles for hire in the Town of Southampton. History has shown that there is a need for investigation and review of the conduct of taxicab drivers and vehicles for hire in order to ensure the health, safety, and welfare of residents and visitors within the Town. Indeed, one of the Town Board's highest priorities is to promote public safety, economic well-being, and highway safety and usage within the community.

B. Thus, this chapter is intended to enhance the peace and security of our citizens in their homes and neighborhoods; to safeguard consumers against price-gouging, fraud, and inferior services; and to prevent unsafe driving conditions on the public roads and highways of the Town.

C. Because a variety of administrative costs will be incurred in connection with the issuance and recording of licenses, as yet undetermined in the regulation and enforcement of such licenses, the Board seeks to set all fees within this chapter by Town Board resolution. In doing so, the Board is able to better facilitate any necessary changes that may be required in the future.

D. This chapter also intends to involve the Public Safety Commission in matters relating to the suspension and revocation of licenses. Pursuant to § 143-11B of the Town Code of the Town of Southampton, the Public Safety Commission's function is to "hear and determine any complaint or grievance that may be the basis for suspension or revocation" of a license granted under Chapter 143 of the Town Code for reasons including, but not limited to, fraud, misrepresentation, bribery, and bad faith. The Town Board seeks to expand upon this consumer protection role to include hearings on licenses granted under this chapter.

E. Town Law §§ 136 and 137, General Municipal Law § 181 and Municipal Home Rule § 10 provide authorization for this chapter.

§ 299-14 Vehicle compliance.

A. Conformance. No license shall be issued or renewed unless and until the vehicle has been found to be in conformance with all the provisions of the Department of Motor

Vehicles.

B. Compliance. Proof that a violation has been corrected or repaired shall be filed with the Town Clerk within 10 days of the issuance of a summons. If not filed, the application will immediately be disapproved, license of said vehicle suspended, and a time and place for a revocation hearing, as prescribed in this chapter, shall be set.

C. Waiver of disapproval or suspension. Any vehicle license disapproved or suspended pursuant hereto may be approved or reinstated after the filing of a request for a waiver from the Town Clerk, based on submission of proof, within 10 days of the disapproval or suspension, that corrective measures have been taken. If said proof is not submitted within 10 days and/or the Public Safety Commission revokes the license, a new application, Town inspection, and fee shall be required.

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Town of Southampton, NY / Part II: General Legislation
Article VI Disapprovals, Suspensions, Revocations and Appeals

§ 299-22 Disapprovals.

§ 299-23 Suspensions, revocations, notice and hearings.

§ 299-24 Waivers; certificates of relief from civil disabilities.

§ 299-25 Records.

§ 299-22 Disapprovals.

A. Notice and right to appeal. The Town Clerk shall notify an applicant of a disapproval of an application in writing and shall include a statement that the applicant may request an appeal hearing before the Public Safety Commission by filing a written request with the Town Clerk. Service of such notice shall be made personally or by certified mail to the address set forth in the application. The Town Clerk shall give the appealing party at least ten days' written notice of the time and place of such hearing. Applications may be denied based on any of the following:

(1) Criminal offenses. If the application discloses that the applicant has been convicted of a felony, misdemeanor, or other criminal offense, the standards enumerated in Article 23-A of

the Correction Law of the State of New York shall be applied in considering the issuance or denial of a license.

(2) If a determination is made that the applicant has an unacceptable business record based on a review of past complaints; that the services the applicant proposes to offer or has offered are inadequate; or that the applicant has had more than three convictions for failure to post any and all devices and placards required by this chapter within the three years prior to the time of application.

(3) If the application does not comply in any material respect with the provisions of this chapter.

(4) If the application discloses that the applicant is otherwise unfit or undesirable.

B. Hearing. At the time and place set for the hearing upon the appeal from the determination of the Town Clerk, the Public Safety Commission shall give the appealing party and any other interested party a reasonable opportunity to be heard in order to show cause why the determination of the Town Clerk should not be upheld. The decision of the Public Safety Commission shall be in writing, shall specify the ground or grounds upon which the decision is based, and shall be final and conclusive, subject to review only by a court of competent jurisdiction.

§ 299-23 Suspensions, revocations, notice and hearings.

A. Suspensions. The Public Safety Commission shall suspend any license and set the time and place for a revocation hearing, as prescribed in this chapter, under the following circumstances:

(1) Noncompliance. Any violation of the provisions of this chapter or any reason for which the original application could have been disapproved, as set forth above.

(2) Criminality. Conviction of any felony or misdemeanor that, in the judgment of the Public Safety Commission, renders the license holder unfit or undesirable under the standards of Article 23-A of the Correction Law of the State of New York.

(3) Fraud, misrepresentation or false statements contained in the license application or made in the course of conducting transportation for hire.

(4) Improper conduct. Conducting transportation for hire in an unlawful manner or in such a way as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(5) Improper postings. More than three convictions for failure to post any and all identification devices and placards, as required by this chapter, within the three years prior to the time of such suspension.

B. Revocation. The Public Safety Commission shall have the power to revoke any license issued under this chapter, if it determines, after a public hearing, that the holder is undesirable or incapable of properly conducting transportation for hire or that the vehicle is undesirable or incapable of properly transporting passengers for hire.

C. Notice. If the Public Safety Commission determines to hold such a hearing, it shall notify the holder that a hearing will be held to determine whether his license should be suspended or revoked. Such notice shall specify the time and place of the hearing and the ground or grounds for suspension or revocation which will be the subject of the hearing. Such notice shall be in writing, shall be served at least ten days prior to the hearing and shall be served personally or sent by certified mail, return receipt requested, addressed to the address set forth in the application.

D. At the time and place set for the hearing, the Public Safety Commission shall give the holder and any other interested party a reasonable opportunity to be heard.

E. If the Public Safety Commission determines that the license should be suspended or revoked, the Public Safety Commission shall notify the holder of the decision. Such notice shall be served personally or sent by certified mail, return receipt requested, to the address set forth in the application. The license holder shall immediately surrender said license to the Town Clerk.

F. The decision of the Public Safety Commission shall be in writing, shall specify the ground or grounds upon which the decision shall be based and shall be final and conclusive, subject to review only by a court of competent jurisdiction.

G. It shall be unlawful for any person to refuse to surrender a license issued pursuant to this chapter to the Town Clerk upon demand, after the license has been suspended, revoked or expired.

H. Reapplication. A person whose license has been revoked shall not be permitted to reapply for a period of at least one year from the date of revocation.

§ 299-24 Waivers; certificates of relief from civil disabilities.

A. Waivers of disapproval or suspension. A vehicle license that has been disapproved or suspended due to use of said vehicle in the commission of a crime, as prescribed in this chapter, may be approved or reinstated with the filing of a request for a waiver from the Town Clerk, after a determination by the Town Clerk, with advice of the appropriate Police Department, that said vehicle's involvement in the crime was not the liability of the business and/or vehicle owner.

B. Certificate of relief from civil disabilities. Anyone convicted of a crime described hereinabove who has received a certificate of relief from civil disabilities regarding said conviction, issued by a court of competent jurisdiction, will not be subject to disapproval, suspension or revocation based on said conviction, after a review and determination by the Town Clerk that the crime would not endanger the health, safety and welfare of the residents of the Town of Southampton.

§ 299-25 Records.

The Town Clerk shall keep a record of all applications, disapprovals, suspensions, revocations and complaints regarding licenses together with any reports.

SECTION 3. Authority.

The proposed law is enacted pursuant to Municipal Home Rule Law §10.

SECTION 4. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.