

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:)

of Spring Valley

FILED
STATE RECORDS

AUG 09 2022

DEPARTMENT OF STATE

Local Law No. 2 of the year 20 22.

A local law to amend Chapter 239: Taxicabs
(Insert Title)
and Vehicles for Hire;

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

County City Town Village
(Select one:)

of Spring Valley

as follows:

"See Attached"

(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. 2 of 2022 of the (County)(City)(Town)(Village) of Spring Valley was duly passed by the Spring Valley Board of Trustees on July 5, 2022, 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 on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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____.
(Name of Legislative Body)
(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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.

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

Date: *August 8, 2022*

(Seal)

LOCAL LAW NO. 2 OF 2022
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK

A Local Law to amend Chapter 239: Taxicabs and Vehicles for Hire

Be it enacted by the Board of Trustees of the Village of Spring Valley, County of Rockland, State of New of New that the Code of the Village of Spring Valley is hereby amended by making the following changes only to Chapter 239

SECTION I.

239-2 Legislative Intent is hereby repealed in its entirety and replaced with the following:

The Village Board of Trustees finds that due to recent incidents as reported to the Village that a more effective means must be established to enforce this Chapter and safeguard those who use Taxicabs and Vehicles for Hire in the Village since notwithstanding existing Local Laws there are individuals and companies operating in the Village whose actions have placed in jeopardy the safety of those using Taxicabs and Vehicles for Hire in the Village as well as others in the Village whose safety and welfare are adversely impacted by those who violate this Local Law. The Board of Trustees reaffirms that the transportation of persons by motor vehicles available for hire in the Village of Spring Valley is a vital public service which must be licensed and regulated in order to protect the health, safety and welfare of individuals using such services.

239-3 Definitions concerning “Operator and/or Owner” is hereby repealed in its entirety and replaced with the following:

Operator and/or Owner

A person, firm, corporation or other entity owning, leasing, driving, controlling and/or dispatching the use of or engage in the business of taxicabs and vehicles for hire in the Village if operating directly or otherwise one or more taxicabs or other vehicles for hire or other compensated use upon the streets of the Village.

239-17 Suspension or revocation of taxicab or vehicle for hire operating license is hereby repealed in its entirety and replaced with the following:

A. A taxicab operating license or vehicle for hire operating license may be suspended by written determination of the Chief of Police for any violation of law that adversely impacts the health and safety of any passengers until the next regular meeting of the Board of Trustees, at which time such Board shall review and determine the question of revocation, suspension or return of the license. Said written notification by the Chief of Police shall be provided to the Operator and Owner as well as a copy filed with the Village Clerk. Said notice shall advise when the next regular Village Board Meeting shall be held and that the suspended owner and/or operator shall have an opportunity to be heard by the Village Board of Trustees with any attorney licensed in New York State retained by said operator or owner present during the Hearing to examine or

cross-examine any witnesses. The Village shall be represented by the Village Attorney at any such Hearing.

B. A taxicab operating license or vehicle for hire operating license may be suspended or revoked by decision of the Board of Trustees after said aforementioned Hearing before the Village Board if it is found by a preponderance of evidence that the vehicle licensed as a taxicab or vehicle for hire has been used:

- (1) For any purpose or business that violates and Village, County, State or Federal Law, Rule or Regulation.
- (2) For a violation of any New York State Vehicle and Traffic Law that has a direct and immediate adverse impact on the health, safety and welfare of a passenger or other person operating a vehicle within the Village whose health, safety and welfare is adversely impacted by actions of the operator or owner as defined herein.
- (3) If the owner has knowingly failed to provide safe transportation to any passenger using the taxicab or vehicle for hire.
- (4) If the operator knowingly uses a vehicle provided by the owner that is not safe for any passenger to use
- (5) If the dispatcher knowingly dispatches an operator to pick up a passenger when that operator has previously violated any provision of Chapter 239 within the prior year.
- (6) Charging excessive fares or fees not permitted by Chapter 239 or any other applicable Village Law, Rule or Regulation.

239-26 Suspension or revocation of taxicab driver's license is hereby repealed in its entirety and replaced with the following:

239-26 Suspension or revocation of taxicab operator driver's license and/or license of owner to drive and/or operate any taxicab or vehicle for hire business within the Village of Spring Valley;

A. A taxicab operator's driving license and/or the taxicab owner's ability to operate or allow the hiring of any taxicab for hire in the Village of Spring Valley may be suspended or revoked by the Board of Trustees for a period of time up to one (1) year after a Hearing before the Village Board if it is found by a preponderance of evidence that the vehicle licensed as a taxicab or vehicle for hire has been used:

- (1) For any purpose or business that violates and Village, County, State or Federal Law, Rule or Regulation.
- (2) For a violation of any New York State Vehicle and Traffic Law that has a direct and immediate adverse impact on the health, safety and welfare of a passenger or other person operating a vehicle within the Village whose health, safety and welfare is adversely impacted by actions of the operator or owner as defined herein.
- (3) If the owner has knowingly failed to provide safe transportation to any passenger using the taxicab or vehicle for hire.
- (4) If the operator knowingly uses a vehicle provided by the owner that is not safe for any passenger to use
- (5) If the dispatcher knowingly dispatches an operator to pick up a passenger when that operator has previously violated any provision of Chapter 239 within the prior calendar year.

(6) Charging excessive fares or fees not permitted by Chapter 239 or any other applicable Village Law, Rule or Regulation.

B. At a Hearing before the Village Board, the operator and/or owner shall be provided with written notice of the claimed violation of this Chapter no less than five (5) days before the scheduled Village Board of Trustees Meeting. The operator and/or owner so charged shall be permitted to be represented by an attorney licensed in New York State at all times during the Hearing. Any Decision by the Village Board of Trustees is reviewable under Article 78 of the CPLR and shall be binding unless reversed or modified by the Supreme Court in New York State for the County of Rockland where any such judicial challenge shall be venued.

239-44 Penalties for offenses; enforcement is hereby repealed in its entirety and replaced with the following:

In addition to any other remedies provided in this Chapter for violating this Chapter:

A. An appearance ticket shall be issued for a violation of any section of this Chapter and shall be returnable before a Justice of the Village of Spring Valley Justice Court.

B. Upon the first conviction of any section of this chapter, the penalty shall be a fine of not less than \$2,500 but no more than \$7,500 and/or 15 days in jail for each section violated and suspension or revocation of the Village taxicab driver's license, taxicab operating license or vehicle for hire operating license for a period of one (1) year from the date of conviction.

C. Upon the second conviction within a year of any first conviction of any section of this chapter, the penalty shall be a fine not less than \$7,500 but no more than \$10,000 and/or 15 days in jail for each section violated and suspension or revocation of the Village taxicab driver's license, taxicab operating license or vehicle for hire operating license for a period of one (1) year from the date of conviction.

D. Upon the third conviction within a year of any first conviction of any section of this chapter, the penalty shall be the civil forfeiture of the vehicle used at the time of any third such violation as well as a fine not less than \$10,000 but no more than \$15,000 and/or 15 days in jail for each section violated and suspension or revocation of the Village taxicab driver's license, taxicab operating license or vehicle for hire operating license for a period of one (1) year from the date of conviction. Any forfeiture of the vehicle shall be made after compliance by the Village Attorney with all the forfeiture provisions of the Criminal Procedure Law of New York State.

SECTION II. Severability

If any section, subsection, clause or other portion of this law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the remaining portions of this law, which shall continue in full force and effect.

SECTION III. Effective Date

This local law shall take effect immediately upon filing with the office of the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.