

## **Chapter 75**

### **TAXICABS**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Liberty 1-5-1981 by L.L. No. 1-1981.<sup>1</sup> Amendments noted where applicable.]**

GENERAL REFERENCES

Vehicles and traffic — See Ch. 80.

ARTICLE I

**Licensing of Taxicabs**

**[Amended 8-2-1982 by L.L. No. 2-1982; 8-1-1983 by L.L. No. 1-1983; 9-8-1992 by L.L. No. 11-1992; 11-19-2008 by L.L. No. 6-2008]**

**§ 75-0. Legislative intent. [Added 8-8-2011 by L.L. No. 3-2011]**

- A. It is the intent of the Village Board of the Village of Liberty to ensure that adequate, safe, and efficient taxi services are available for the residents and visitors of the Village of Liberty. The Village Board recognizes and finds that some persons utilize taxi services for the purpose of going to and from work, or to and from local merchants, or to visit others, while others utilize taxis for the purpose of going to or from medical appointments outside the Village of Liberty.
- B. The Village Board finds that usage outside of the Village for medical appointments, while beneficial to the health of the particular person(s) and to the overall health of the

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1. Editor's Note: This local law supersedes former Ch. 75, Taxicabs, adopted 6-19-1944.

people of the Village of Liberty, is limiting the availability of safe, affordable, and efficient taxi services. The Village Board further finds that unregulated taxis are entering the Village of Liberty to pick up those with healthcare needs including those who reside at a rehabilitation facility who have special healthcare needs which may make such persons vulnerable, and therefore it is particularly appropriate to know who is picking them up at such facility.

- C. The Village Board further finds that while 30 taxicab permits are presently available under the Village Code, it can be difficult to obtain a taxicab. The Village Board is particularly concerned that there be adequate taxicab service at times when persons are exiting eating or drinking establishments to ensure the safety of the public roads and to otherwise serve the public. For these reasons, the Village Board determines to both establish a permit for Medicaid taxicab pick-ups and to increase the fee for all taxicab permits so as to both enable the Village to spend the necessary resources to review taxicab usage and to better ensure those taxis which obtain permits are actively and substantially operating in the Village.
- D. The Village Board hereby determines that it shall evaluate on a more regular basis, subject to resolution of the Village Board, the log books of the taxicabs holding a permit to determine the usage of the taxis permitted in the Village of Liberty. The Village further determines to increase the permit fee because it is establishing a right of renewal based on specific criteria, and further increases the permit fee because the Village Board hereby finds and determines that a large number of permits are being sought by entities which do not substantially maintain their taxis in the Village of Liberty, thereby denying the people of Liberty access to taxis. The Village Board further finds that such increase in permit fees will diminish a permit applicant from applying unnecessarily for a permit, effectively holding a permit without using it, while denying potential competitors the ability to apply for a permit given the

Village's existing policy of granting priority to renewal taxicab permit applications.

- E. The Village Board finds that under the system existing prior to the enactment of this section, that permit holders were obtaining permits for cabs but that there was still a shortage of licensed cabs on the road, particularly at times when they may be used when restaurant or bar facilities are closing.
- F. The Village Board therefore determines it to be appropriate to both increase the fee for the existing taxicab permit and also to establish a special type of taxi permit so that taxis which are exclusively used to transport persons to or from medical appointments under the Medical Assistance Program within and to the outside of the Village of Liberty can have specialized permits for such purposes, while taxis which do not primarily engage in transporting people to or from healthcare related services and appointments still can have access to taxis which operate under the taxicab permit system in place immediately prior to the enactment of this section.

**§ 75-1. Definitions; license and permit required.**

- A. Definitions. Unless otherwise expressly stated herein, whenever used in this chapter, the following words shall have the meanings given to them by this subsection:

LIMOUSINE — A motor vehicle carrying passengers for hire, having the capacity to seat up to 15 passengers, with rates determined on a per-person, hourly, daily, weekly or monthly rental of the vehicle and the services of its chauffeur, or a combination of rental and mileage charges, which does not solicit for hire on the streets of the Village of Liberty and which does not have any markings thereon indicating that it is a taxicab as otherwise required by this chapter.

OPERATE — The picking up or conveyance, by a taxicab, of a passenger or passengers for hire.

INTERCOMMUNITY MEDICAL TAXICAB PERMIT (IMT Permit) — A class of a taxicab permit granted to an owner of a taxi or taxicab, issued with respect to a taxicab so owned, to solely permit such owner to operate or have employees or agents utilize a taxi to which the permit is displayed to operate one or more specific taxicabs solely for the purpose of picking up and/or dropping off persons in the Village of Liberty for medical appointments or services inside or outside the Village of Liberty, as well as waiting for such persons within the Village of Liberty while such person(s) goes into or out of a pharmacy or store after a medical appointment outside the Village. Nothing shall preclude the holder of a non-IMT permit taxicab from dropping off or picking people up for medical appointments. The IMT permit is established pursuant to the provisions of law and New York State Regulations, including but not limited to 18 NYCRR 505.10(e)(6)(iii).

**[Added 8-8-2011 by L.L. No. 3-2011]**

OPERATOR — A person, association, partnership or entity who or which operates a taxicab.

OWNER — Any person, association, partnership or entity owning or having control of the use of one or more taxicabs or engaged in the business of operating a taxicab.

TAXICAB DRIVER'S LICENSE — Permission granted by the Village of Liberty to any person to operate a taxicab as otherwise provided in this chapter.

TAXICAB PERMIT — Permission granted to an owner of a taxicab, issued with respect to each taxicab so owned, to permit such owner to operate or have employees or agents operate a taxicab as hereinafter provided.

TAXI or TAXICAB — Any motor vehicle engaged in the business of carrying persons for hire, whether the same is operated from a street stand or subject to calls from a

garage or otherwise operated for hire, except vehicles subject to the provisions of the Transportation Law, limousines, those vehicles used by undertakers and funeral directors in carrying on their business, ambulances and vehicles used exclusively by or under agreement with a hotel, hospital, club or other entity for the purpose of transporting members, guests, patients or clients.

- B. No person, association, partnership or entity shall operate a taxicab and carry persons for hire who are picked up within the Village of Liberty without first obtaining and having in force a taxicab driver's license as hereinafter provided.
- C. No person, association, partnership or entity shall own a taxicab and carry or allow to be carried persons for hire who are picked up within the Village of Liberty within unless such owner has obtained either a taxicab permit or an IMT permit from the Village of Liberty as hereinafter provided. If the taxi or taxicab is operating with an IMT permit, its operation shall be restricted to the purposes provided for in the definition of the intercommunity medical taxicab permit. **[Amended 8-8-2011 by L.L. No. 3-2011]**

**§ 75-1.1. Permit application; fees.**

- A. Each owner of a taxicab who or which is obligated to obtain a taxicab permit as otherwise provided in this chapter shall make application to the Board of Trustees of the Village of Liberty for a taxicab permit and shall pay to the Treasurer of the Village of Liberty \$200 per year for each and every taxicab to be used by such owner in such trade, business or occupation, which sum of \$200 is hereby established as a fee for such taxicab permit. Effective for permits issued on or after May 1, 2012, the fee for such permit shall be \$400. **[Amended 8-8-2011 by L.L. No. 3-2011]**

- B. Such application shall be made on a form that is provided by the Village of Liberty, giving the full name of the applicant, the name of the taxicab company, the business location, the make, model and registration number of the vehicle, and any other information as the Village may deem necessary.
- C. Such application shall be submitted to the Chief of Police for verification and recommendation before issuance of a taxicab permit.
- D. If at the time of application no taxicab permits are available for issuance, the Chief of Police shall cause the application to be dated and filed as a pending application for a taxicab permit and, should a taxicab permit become available, shall act upon the pending applications by first date submitted.

**§ 75-2. Number of permits; renewals; expiration; registration; insurance.**

- A. The number of taxicab permits to be issued under § 75-1.1 of this chapter is hereby limited to 30.
- B. Permits granted to existing permit holders shall be entitled to renewal unless the overall number of permits are reduced, and unless the permit holder has otherwise been found to be in nonconformance with this chapter and who have demonstrated that, as shown in the log books, the majority of trips of a permitted taxicab have been to pick up or drop off passengers within the Village of Liberty and that the driver of such permitted taxicab has operated their vehicle in compliance with applicable laws during the time the permit is valid. **[Amended 8-8-2011 by L.L. No. 3-2011]**
- C. Every taxicab permit issued as herein provided shall be for a period terminating on the 31st day of May next following the granting and issuing of such taxicab permit. Failure to apply for a renewal taxicab permit or failure to pay the

required fee for renewal shall be considered as an expired taxicab permit.

- D. No taxicab permit shall be issued unless the applicant shall possess and present proof of a properly registered and insured vehicle, as required by the New York State Department of Motor Vehicles for use on the public highways, for each taxicab permit issued.
- E. All vehicles that are the subject of a taxicab permit pursuant to this chapter are required to be properly registered and insured as stated in § 75-2D at all times during the taxicab permit period. For any vehicle that is issued a taxicab permit pursuant to this chapter that becomes unregistered and/or insured, its taxicab permit will be considered expired and must be returned to the Clerk of the Village of Liberty for reissuance upon application and compliance with the terms and provisions of this chapter.
- F. There shall be, in addition to the number of permits otherwise provided for herein, intercommunity medical taxicab permits to be disseminated as otherwise provided for under law. Each owner of a taxicab who or which is obligated to obtain an intercommunity medical taxicab permit as otherwise provided in this chapter shall make application to the Board of the fee for such permit annually shall be \$300. **[Added 8-8-2011 by L.L. No. 3-2011]**
- G. Term of intercommunity medical taxicab permit. An intercommunity medical taxicab permit first issued under this chapter shall expire May 31, 2013, and shall thereafter be an annual permit expiring each May 31 after it was granted. Such permits shall be renewable annually and there shall generally be a right of renewal for such permit unless the permit holder is found to have violated the Village Code in relation to taxi licensing or otherwise employs or utilizes drivers who the Village Board, after a hearing, determines operate taxis in an unsafe manner; or engages in conduct (including but not limited to failure to



properly and safely maintain any vehicle it utilizes for a taxi) which endangers the people of Liberty. [Added 8-8-2011 by L.L. No. 3-2011]

**§ 75-3. Transferability; display of taxicab permit.**

- A. No taxicab permit granted and issued as above provided shall be assigned or transferred to any person, association, partnership or entity. In an instance where a person, association, partnership or entity that has been issued multiple taxicab permits is to be sold to another person, association, partnership or entity, the taxicab permits may be transferred to such new person, association, partnership or entity, provided that:
- (1) All taxicab permits issued to the existing person, association, partnership or entity are to be transferred to the new person, association, partnership or entity;
  - (2) Application has been made to and consent has been granted by the Village Board of Trustees to such transfer; and
  - (3) The new person, association, partnership or entity meets all of the requirements of this chapter.
- B. The transfer of a single taxicab permit issued to an individual person, association, partnership or entity is prohibited unless such single taxicab permit represents the only taxicab permit issued to such person, association, partnership or entity, and same is being transferred as authorized in § 75-3A.
- C. Any person, association, partnership or entity to whom or to which a taxicab permit shall be issued as above provided shall affix the taxicab permit to the left front grill and the cab number on the left rear bumper of each taxicab. The number and license plate shall be furnished by the Village Clerk.

- D. Taxicab permits issued to an individual, association, partnership or entity may be transferred from one taxicab to another taxicab owned by the permittee, provided that prior notification is given to the Chief of Police, in writing, giving the taxicab permit license number involved, the make, model and registration number of the taxicab being replaced, and the make, model number and registration number of the taxicab being added.

**§ 75-4. Penalties for offenses.**

- A. The failure to comply with any of the provisions of this article shall be and constitute a violation thereof, and any person, association, partnership or entity violating any provision of this article shall forfeit and pay a penalty and fine of no more than \$250 for the first violation thereof and no more than \$500 for each and every subsequent violation, which said sums are hereby fixed as fines and penalties for each violation. Each day that the violation