

**AN ORDINANCE TO AMEND CHAPTER 215 OF THE CODE
OF THE CITY OF SARATOGA SPRINGS, NEW YORK, ENTITLED
“TAXICABS”**

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

SECTION 1. The present Chapter 215, Article I, of the Code of the City of Saratoga Springs, New York, entitled “Taxicabs – General Regulations” is hereby repealed in its entirety.

SECTION 2. A new Chapter 215, Article I of the Code of the City of Saratoga Springs, New York, entitled “Taxicabs – General Regulations” is hereby enacted to read:

**ARTICLE I
GENERAL REGULATIONS**

215-1 DEFINITIONS

Driver – Any person who engages in the business of driving a Taxicab, whether such person is the Owner, an employee, or an independent contractor.

Hack License – A license given to an individual who meets the United States Residency, New York State Department of Motor Vehicle Licensing, New York State Department of Financial Services, New York State Tax and Finance, and Municipality’s criteria for the privilege of driving a taxicab in the State of New York.

LENS – The New York State License Event Notification System used to monitor the driving records of any person applying and holding a Hack License or Owners License.

Medicaid Taxis (Medicabs): Taxi vehicles for the use of Medicaid transportation are defined per New York State Department of Motor Vehicle and Traffic Law (VTL) Article 1, § 148-a. as every motor vehicle, other than a bus, used in the business of transporting passengers for compensation, and operated in such business under a license or permit issued by a local authority. However, it shall not include vehicles which are rented or leased without a driver.

Medallion – A decal distributed by or on behalf of the Municipality, prominently placed on a vehicle used for hire that signifies it is licensed to do business as a Taxicab in the Municipality. .

Municipality – The City of Saratoga Springs, New York.

Operate a Taxicab – Includes Taxicab service that is conducted within the corporate limits of the Municipality.

Owner – Any person or corporation owning or having control of the use of one or more Taxicabs used for hire upon the streets of the Municipality or engaged in the business of Operating a Taxicab.

Owner’s License – A license issued to a person and/or corporation owning, operating or having control of one or more Taxicabs used for hire upon the streets of the Municipality that meets all of the criteria established for that license including criteria established for that license by New York State Department of Motor Vehicles, the New York State Department of Financial Services and New York State Tax and Finance criteria. .

Person – Any individual, corporation, partnership or other legal entity filing for a Taxicab Owner’s License or Taxicab Medallion.

Taxicab – Includes any motor vehicle of a type that the General Municipal Law §181 or relevant municipal law permits a municipality to regulate, that is engaged in the service of transporting passengers(s) for hire, when such service is available to the general public on a prearranged or demand-response basis over a non-specified or irregular route with the point or points of pickup and discharge determined by the passenger.

Taximeter – An instrument or computer application that automatically calculates the fare charged to a traveler utilizing the service of a Taxicab.

215-2 LICENSING

a. Requirement – Licenses needed to operate

No Taxicab shall be operated within the Municipality without first having obtained a Medallion and being operated pursuant to a validly issued Owner’s License. No Person shall operate a Taxicab within the Municipality without first having obtained a Hack License and be in the possession of a valid New York State Department of Motor Vehicles Class E or CDL license which is neither expired, revoked, suspended, or has any conditionality attached to it by the NYS Department of Motor Vehicles which would prohibit said Driver from safely driving or operating a Taxicab.

b. Owner’s License

Each application for a Taxicab Owner’s License shall be signed and shall be made upon the appropriate forms. Said application shall contain the following information:

- I. The name, date of birth, and residence of the Person applying for the license. In the event the applicant is a partnership or operating under an assumed name, a certified copy of the certificate of partnership or assumed name must be provided at the time of the application. In the event that the applicant is a corporation, the names and addresses of all corporate officers and stockholders must be provided at the time of application.
- II. The number of Taxicabs for which the application is being made, stating the ownership, make, type, year of manufacture, vehicle identification number, and passenger seating capacity for each of the vehicles to be licensed under the application.

- IV. A copy of the Certificate of Insurance with the City as Certificate Holder showing the year, make, model and vehicle identification number and coverage for each Taxicab vehicle licensed under the application, as evidence that the Taxicab is covered by NYS admitted insurer commercial automobile insurance including Bodily Injury and Uninsured Motorist Coverage in a minimum amount of One Hundred Thousand Dollars (\$100,000) per person with a Three Hundred Thousand Dollar (\$300,000) aggregate, and verification of registration for each vehicle for use as a Taxicab by the New York State Department of Motor Vehicles AND NYS Statutory Workers Compensation and Employer's Liability and Disability Insurance or waiver of same from the NYS Workers Compensation Bureau as may be required per NYS Law. Failure to secure compensation for the benefit of, and keep insured during the life of this license, employees required in compliance with the provisions of Workers' Compensation Law shall make this license void and of no effect .
 - V. Whether the applicant has been convicted of or pled guilty to any crimes, and if so, the crime(s) along with the date(s) and jurisdiction(s) of conviction.
 - VI. Whether the applicant is or has been previously licensed as a Taxicab Owner or Operator and, if so, in what jurisdiction(s).
 - VII. Whether the applicant currently holds or was the former holder of a Taxicab Owner's or Operator's License which has been expired, revoked or suspended and, if so, for what reason, giving the name of the issuing municipality and the dates and reasons for the expiration, revocation and/or suspension.
 - VIII. As a condition to the issuance of a Taxicab Owner's License, the applicant agrees to require all Drivers of the Owner's Taxicabs obtain Hack Licenses, maintain a Valid NYS Driver's License of Class E or CDL which is neither expired, revoked, suspended, or has any conditionality attached to it by the NYS Department of Motor Vehicles which would prohibit said Driver from safely driving or operating a Taxicab, and to register with and be subject to the New York State LENS program, and further agrees that the Municipality (or designee) shall have the authority to communicate with and receive reports relating to the New York State LENS program.
 - IX. All Persons applying for a Taxicab Owner's License agree to fully investigate and resolve complaints regarding Taxicabs operated pursuant to the Owner's License, and shall remediate all complaints and issues in a timely manner.
 - X. All Persons applying for a Taxicab Owner's License shall agree to equip each Taxicab with a Taximeter or equivalent metering application, and shall accept passenger payment in cash and/or by credit/debit card.
- c. Medicabs must adhere to Medicaid enrollment and shall not supplant the Municipality's regulations under this Chapter. Title 18 NYCRR §505.10(e)(6) indicates that providers must, regardless of Medicaid enrollment status, comply with applicable federal, state and local regulatory requirements. For ambulette, taxi and livery companies, this includes licensure by the Municipality. Failure to comply with this Chapter may result in termination from Medicaid enrollment, as well as action by the local regulatory entity.

d. Medallion Required

Each Taxicab Operated within the Municipality shall require a Medallion, which shall be prominently displayed on each licensed Taxicab at all times. The application for a Medallion shall be made upon the appropriate forms, and must include the following information:

- I. The Owner's License pursuant to which the Taxicabs will be operated.
- II. The specific Taxicab vehicles providing Year, Make, Model and Vehicle Identification Number of each vehicle for which the Medallions are being requested.
- III. Details regarding the particular Taximeter installed on the Taxicab vehicles, or the details of the equivalent metering application the Owner proposes to utilize including make, model and serial number of the metering application and/or device as applicable.

e. Hack License Required

Each Driver of a Taxicab operating within the Municipality must have and be in possession of a current and validly issued Hack License. Applications for a Hack License or for renewal of a Hack License shall be signed and sworn to in person and shall be made upon the appropriate forms. The applicant shall:

- I. Be the holder of a duly valid New York State Driver's License of the appropriate class for operation of a Taxicab as prescribed by the New York State Department of Motor Vehicles, but not less than a valid New York State Class E Livery or CDL (Commercial Driver's License) which is neither expired, revoked, suspended, or has any conditionality attached to it by the NYS Department of Motor Vehicles which would prohibit said Driver from safely driving or operating a Taxicab.
- II. Be able to clearly communicate in the English Language.
- III. Agree to continually be neat and clean in dress and person and have no conditions that impair the ability to safely operate a Taxicab.
- IV. Meet the standards as embodied in Article 23-A of the Correction Law of the State of New York.
- V. Be at least eighteen (18) years of age.
- VI. Consent in writing to enrollment in the NYS LENS Program for the period his/her license is in effect as a Taxicab Driver.
- VII. Have fingerprints taken by the Municipality or designee in which the Medallion will be issued.
- VIII. Provide three (3) recent un-retouched photographs, two (2) inches by two (2) inches, with no hat or sunglasses.
- IX. Provide the information requested on the Form, giving his/her full name, residence, places of residence for five (5) years previous to moving to his/her present address, age, height, color of eyes and hair, place of birth, United States Residency, places of previous employment, whether he or she has ever been convicted of a felony or misdemeanor and if so, the date and jurisdiction of same, whether he or she has been previously licensed as a Taxicab Driver or chauffeur, and if so, whether his/her license has ever been revoked and/or suspended in which municipality, the year of the revocation and/or suspension, and for what cause.

- X. Have no physical or mental condition that would interfere with the safe operation of a Taxicab, and be free from the use of drugs (prescription or otherwise) that would interfere with the safe operation of a Taxicab.

215-3 APPLICATIONS/ISSUANCE

a. Application for Licenses

All applications for licenses issued pursuant to this Chapter shall be made by the Applicant upon the appropriate Common Application forms, available online at www.saratoga-springs.org and in person at City Clerk's Office, City Hall, 474 Broadway, Saratoga Springs, NY. Application forms must be submitted in person at the aforementioned location during normal business hours.

b. Forms and Requirements

All license applications shall be made upon the appropriate forms, accompanied by all required information and applicable fees. Incomplete license applications will not be accepted.

- I. Owner's License – Applications for an Owner's License shall be made upon the appropriate forms. The application shall be filled out in its entirety, and shall include the following:
 - 1. Certificate of insurance as detailed in Section 215-2.b.IV;
 - 2. Company information, as requested on the application form; and
 - 3. A non-refundable Owner's License application fee, as specified herein.
- II. Medallion – Applications for Taxicab Vehicle Medallions shall be made upon the appropriate forms. The application must specify the particular vehicles including year, make, model and vehicle identification numbers of the vehicles to be covered under the Applicant's license. The application shall be filled out in its entirety, and shall include the following:
 - 1. Certificate of insurance as detailed in Section 215-2.b.IV; and
 - 2. A non-refundable Medallion Fee for each Taxicab vehicle, as set forth in a fee schedule established by the municipality, as may be amended from time to time.
- III. Hack License – Applications for Hack Licenses shall be made upon the appropriate forms. The application shall be filled out in its entirety, and shall include all of the following:
 - 1. Three (3) recent un-retouched photographs, two (2) inches by two (2) inches, with no hat or sunglasses.
 - 2. The Impressions of the fingers of the applicant's right and left hands, for the purpose of obtaining criminal history records from the New York State Division of Criminal Justice Services, the impressions to be taken under the supervision of the Chief of Police or his/her designee. At the Municipality's discretion, fingerprints may be taken by the Municipality's authorized business entity.
 - 3. Authorization for a criminal history background check, the results of which are authorized to be transmitted to the Municipality.

4. The fee required by the New York State Division of Criminal Justice Services, as specified herein;
5. A non-refundable Hack License application fee, in the amount set forth in a fee schedule established by the municipality, as may be amended from time to time; and
6. Authorization to register the Applicant with the New York State LENS program, including the applicant's New York State Driver's License information, and authorizing the receipt of reports relating to the Applicant's driver's license by the Municipality or designee.

c. Issuance or Denial of Licenses and Medallions

Completed applications will be forwarded to the Municipality's designated departments for their review. Applications for Unified Licenses and Medallions will be forwarded to each Participating Municipality.

- I. The Municipality may deny the issuance of a License or Medallion if the application is incomplete, if the applicant fails to meet the standards required for issuance of said License, or if the results of their investigation reveal a criminal history which, in their opinion, render the applicant unfit pursuant to Article 23-a of the New York State Corrections Law.
- II. Medallions shall not be issued unless and until approved by the Municipality.
- III. Upon satisfactory fulfillment of the requirements of this Chapter, there shall be issued to the applicant a License which shall be in such form as designated by the Municipality.
- IV. Licenses may be issued on any day of the year, and shall be valid until the end of the calendar year, unless suspended or revoked prior to the end of the calendar year.
- V. All Taxicabs shall be inspected by the Municipality (or designee) prior to issuance of a Medallion

d. Renewal

Applications for renewal of Licenses and Medallions shall be submitted no later than forty-five (45) calendar days prior to expiration of the current License. Applications shall be submitted upon the appropriate forms, filled out in its entirety, and shall be accompanied by the appropriate documentation and fees, as detailed on the Common License Renewal Form.

215-4 CONDUCT

a. Driver Code of Conduct

The following rules shall govern the conduct of all Taxicab Drivers operating pursuant to a Hack License issued by the Municipality:

- I. The Driver shall obey all applicable traffic laws and municipal local laws and ordinances.
- II. The Driver shall be courteous to passengers and comply with all reasonable requests of the passengers.

- III. The Driver shall be clean and neat in dress and person, physically and mentally fit to operate a Taxicab and free from the use of intoxicating substances.
- IV. The Driver shall keep the inside of his/her Taxicab in a clean and sanitary condition and shall ensure that all required postings are maintained and visible to passengers.
- V. The Driver shall keep the inside of his/her Taxicab free from smoke, and no one riding in the vehicle shall engage in smoking cigarettes, cigars, pipes, e-cigarettes or any other smoking paraphernalia.
- VI. The Driver shall take passengers to their destinations by the shortest reasonable route, unless requested otherwise.
- VII. The Driver shall not permit other people to occupy or ride in the Taxicab while passengers are being transported.
- VIII. The Driver shall transport Service Animals.
- IX. The Driver shall disclose the applicable Taxicab rate, including any Fees or Tolls, to the passenger prior to the commencement of the trip, and shall utilize the Taximeter or approved equivalent metering application during the course of the trip. In the event the exact fare is unknown in advance, the Taxicab driver shall provide a reasonable estimate of the expected fare, and disclose the method of fare calculation.

b. Vehicle Requirements

Each Taxicab shall comply with the following:

- I. No Taxicab shall be older than ten (10) years old.
- II. All Taxicabs shall be clearly identified or marked on the exterior as follows:
 - 1. A light on the roof, with the legend "TAXI", to be lit at night.
 - 2. Functioning Taxicab "trouble lights" on the front and rear of the Taxicab.
 - 3. The Name of the company, owner or operator of the Taxicab, the phone number, and the company's hours of operation, displayed in a manner that is legible and visible from a reasonable distance.
 - 4. The unique identifying number of the particular Taxicab vehicle, marked on the sides and rear of the vehicle, displayed in a manner that is visible from a reasonable distance.
 - 5. The Taxicab Medallion, as directed by the Municipality.
- III. All Taxicabs shall display, in the interior of the Taxicab, and in a manner that is clearly visible to passengers, the following:
 - 1. The Owner's License and Medallion pursuant to which the Taxicab is being operated.
 - 2. The Hack License of the Taxicab Driver, with accompanying photo.
 - 3. The Passenger Bill of Rights.
 - 4. The Schedule of all applicable Fares, Rates and Fees.

c. Compliance with Rules

All Taxicab Owners and Taxicab Drivers shall be responsible for compliance with the provisions of this Chapter and the law. Taxicab Owners and Taxicab Drivers shall be required to investigate and resolve any complaints or matters relating to the operation of Taxicabs in the Municipality.

d. Travel Log

All Taxicab Drivers and Taxicab Owners shall be responsible for maintaining records of all trips, including: time dispatched, date and time of the trip, the pick-up and drop off locations, the duration of the trip, the vehicle utilized for the trip, the number of passengers, and the fare charged. The trip record shall be maintained for a period of at least one (1) year, and shall be submitted to the Municipality for review upon request.

215-5 INSPECTION

- a.** No Taxicab shall be included on an Owners' License, nor shall a Taxicab Medallion be issued, re-issued or renewed, and no Taxicab shall be Operated within the Municipality unless and until proof has been submitted with the application for issuance, re-issuance or renewal that it has undergone both a mechanical and physical inspection in compliance with the requirements of this Chapter and New York State Inspection Laws.

I. Mechanical Inspection

All Taxicabs must conform to the New York state Vehicle Inspection Law requirements at all times.

II. Preventative Maintenance

Taxicabs shall be well maintained and shall undergo regular preventive maintenance services. Maintenance and inspection records for each vehicle licensed as a Taxicab must be kept for the life of the vehicle.

III. Physical Inspection

1. The Municipality and designees shall have the authority to inspect all Licensed and Medallioned Taxicabs upon notice or demand. The Municipality shall perform inspections upon all Medallioned Taxicabs under its authority at least once per year. This inspection must occur before a Taxicab may receive a medallion.
2. All Taxicabs shall be safe and well maintained, and all systems shall be fully operational. Each Taxicab shall have functioning heat and air conditioning.
3. Medallions issued for each Taxicab shall be prominently displayed and be registered to the vehicle to which it is affixed.
4. The exterior of each Taxicab shall be clean and in good repair, without obvious major body damage.

- b.** Thereafter, upon good cause, including passenger complaint and in the interest of safety, the Municipality and designee shall have the authority to inspect Medallioned Taxicabs for compliance with this Chapter.

- c.** Taxicabs not conforming to New York State Vehicle Inspection requirements, or which are otherwise deemed to be unsafe or not in compliance with this Chapter, shall be taken out of service immediately. The Taxicab must be re-inspected prior to being entered back into service.

215-6 FEES AND PENALTIES

- a. The City Council shall establish from time to time, by resolution, fees for licenses and medallions issued under this Chapter.
- b. Any person who violates any provision of this Chapter or any rule or regulation made pursuant to this Chapter shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of this code. The Department of Public Safety is hereby authorized to enforce the provisions of this Chapter. The Police Department is authorized to issue appearance tickets in accordance with Article 150 of the Criminal Procedure Law for violations of this Chapter.

215-7 SUSPENSION/REVOCAION

a. Municipal Authority

All powers related to licensing, enforcement, and compliance within the Municipality shall be exercised by the Municipality from which the license or medallion has been requested or for which the license or medallion has been issued.

b. Suspension and Revocation of Licenses

- I. A Taxicab Owners' License issued pursuant to this Chapter may be suspended or revoked for any of the following reasons:
 - 1. The licensee fails to meet the criteria for the issuance of such License;
 - 2. The licensee permits the operation of a Taxicab by a person not licensed under the provisions of this Chapter.
 - 3. A vehicle registered to the licensee has been used for an illegal purpose or business.
 - 4. The licensee engages in any other conduct which evidences hi/her inability to safely engage in the business of operating a Taxicab or which evidences a disregard for public safety.
 - 5. The licensee provides information that is found to be false, illegal and/or a misrepresentation of the facts materially related to the issuance of this License.
 - 6. The licensee fails to maintain the insurance required of this License.
- II. A License issued pursuant to this Chapter may be suspended or revoked for any of the following reasons:
 - 1. Failure to properly maintain a vehicle and/or equipment.
 - 2. Failure to maintain the required insurance for the operation of the licensed and medallioned vehicle.
 - 3. Physical or mental disability of a Driver that renders him/her temporarily or permanently unfit for the safe operation of a Taxicab;
 - 4. Knowingly filing a false application.
 - 5. Any conviction of a criminal offense committed during or in relation to Taxicab operations. In addition, conviction of a criminal offense which might impair, impede or endanger the efficiency, effectiveness or safety of the public.

6. Any Driver who operates with an expired, conditional, suspended or revoked Hack License or Owners' License.
7. Failure to maintain a valid NYS Department of Motor Vehicle Class E or CDL License which is neither expired, revoked, suspended, or has any conditionality attached to it by the NYS Department of Motor Vehicles which would prohibit said Driver from safely driving or operating a Taxicab.

III. A Medallion issued pursuant to this Chapter may be suspended or revoked for the failure to comply with any provisions of this Chapter.

c. Notice

Notice of revocation or suspension of License and the reason(s) thereof as well as the applicant's right to be heard shall be served by the Municipality or their designee upon the Person named in the license or by mailing the same to the address given in the license and by filing a copy of such notice in the Office of the Municipality's Clerk with an affidavit of service or mailing. If a License is revoked or suspended, no refund of any unearned portion of the License fee shall be made. The Municipality, upon good cause, may issue an immediate suspension of the License.

d. Term of Suspension

A suspension of a License by the Municipality shall be effective for thirty (30) calendar days, running from the date of notification upon the License holder. Any two (2) suspensions within any twelve (12) month period shall automatically result in a revocation.

e. Review of Denial, Suspension or Revocation

Any applicant who shall have been refused a License, or a License holder whose License shall have been revoked or suspended, may appeal to the Municipality's Hearing Officer for review of such denial, revocation or suspension. The aggrieved party may, within thirty (30) calendar days after receiving written notice, file a written request upon the Hearing Officer for review of said decision.

f. Hearing Officer

A Hearing Officer may be appointed by Municipality to hear and decide appeals taken from any determination made which denied, revoked or suspended such Taxicab Owners' License, Hack License, and/or Medallion.

g. Hearings

Upon receipt of a request for a hearing as provided above, the Hearing Officer shall set a time and place for a hearing and notify the appellant at least seven (7) business days prior to the hearing. The aggrieved party shall have the option of whether such hearing shall be public or private. The hearing shall commence no later than thirty (30) calendar days after the date on which the request was filed. Failure by the Hearing Officer to commence a hearing within thirty (30) calendar days shall not be deemed to constitute approval or such request, if good and sufficient reason exists.

h. Findings

The aggrieved party shall be given an opportunity to show cause why such denial of application or such suspension or revocation of license shall be modified or withdrawn. Upon consideration

of the evidence presented at the hearing, the Hearing Officer shall sustain, modify or withdraw the decision of the Municipality by issuing the result in writing.

215-8 RATES AND FARES

a. Taximeters or equivalent application required.

- I. It shall be unlawful for any person to operate or keep for hire or pay, within the Municipality, any Taxicab without first having each taxicab equipped with a Taximeter or equivalent application.
- II. Every taxicab shall be equipped with a single-traffic taximeter of a type approved by the New York State Bureau of Weights and Measures and inspected by the County Department of Weights and Measures for accuracy. Equivalent applications may not be used unless approved by the Municipality..
- III. The rates of fare to be charged for Taxicab service shall be as follows, and no other rates of fare may be charged by an Owner or Driver other than the rate established by this section:

1. First Half Mile	\$4.00
2. Each Additional 1/10 Mile	\$.20
3. Waiting time in Slow Traffic (per Minute)	\$.30
4. Each Additional Passenger 18 or over	\$1.00
5. Surcharge evenings between 6:00 pm and 4:00am	\$1.00
6. All Legal Holidays	\$1.00

215-9 SEVERABILITY

In the event that any provision of this Chapter shall be deemed illegal or otherwise unenforceable by a court of competent jurisdiction, then only that specific provision shall not be enforced, and all other sections and provisions shall remain in full force and effect.

SECTION 3. This ordinance shall take effect the day after publication as provided by the City Charter of the City of Saratoga springs, New York.

ADOPTED: City Council, City Saratoga Springs, NY June 19, 2018