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Chapter 450. TAXICABS

[HISTORY: Adopted by the Town Board of the Town of Greenburgh 11-14-1990 by L.L. No. 3-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Fingerprints — See Ch. [350](#).
 Gasoline service stations — See Ch. [370](#).
 Vehicles and traffic — See Ch. [460](#).

§ 450-1. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meanings given to them by this section:

CRUISING

The operation of a taxicab upon the streets of said Town when not employed by a passenger, and by words or actions soliciting employment.

OPERATOR

Any person owning or having control of the use of one or more taxicabs.

PERSON

A corporation, partnership, association or other legal entity, as well as an individual.

STREET

Any street, highway, alley, avenue, court, bridge, lane or public place in the Town of Greenburgh outside the corporate limits of any village in said Town.

TAXICAB

Every motor vehicle, other than a bus or limousine, used and operated in the business of transporting passengers for compensation. However, it shall not include vehicles which are rented or leased without a driver.

TAXICAB DRIVER

Any person who drives a taxicab.

TAXICAB DRIVER'S LICENSE

Written permission granted by the Town of Greenburgh to drive a licensed taxicab upon the streets of said Town.

TAXICAB LICENSE

Written permission granted by the Town of Greenburgh to operate a specified taxicab upon the streets of said Town.

TAXICAB STAND

Any place alongside the curb of any street or elsewhere which is exclusively reserved for the use of taxicabs.

TOWN

The Town of Greenburgh.

§ 450-2. Licenses required; term.

- A. It shall be unlawful for any person to keep and offer for hire any vehicle as a taxicab for hire within the Town, outside the corporate limits of any village in the Town, without first having obtained, under the provisions of this chapter, a taxicab license in full force and effect, and for any person to drive or operate such taxicab without first having obtained a Town taxicab driver's license in force and effect.
- B. Town taxicab licenses and taxicab driver's licenses shall be issued as of the first of January each year and shall expire on the following December 31, unless sooner suspended or revoked.

§ 450-3. Licensing of vehicles.

- A. Application. Each application for a taxicab license must comply with the following to the satisfaction of the Town Clerk.

- (1) Form.

- (a) Each applicant shall fill out, upon forms provided by the Town Clerk, a statement which shall include, among other things, the following:

- [1] The full name, age, date of birth, social security number, residence and business address of the person applying for the license and what, if any, previous experience he has had in the taxicab business.
- [2] If the applicant is a corporation, the names and addresses of the officers of the corporation, together with the names and addresses of the person or persons who will actually manage the business.
- [3] The name of the insurance carrier for the vehicle and proof of liability coverage of at least \$25,000 per person and \$50,000 per accident, and property damage coverage of \$10,000 per accident.

[Amended 7-9-2008 by L.L. No. 7-2008; 12-23-2008 by L.L. No. 10-2008]

- [4] The type of motorcar to be used, the vehicle identification number, the number of years the vehicle has been driven and the seating capacity according to its trade rating.
- [5] Whether previously licensed to operate a taxicab, and, if so, where.

[6] Whether license to operate a taxicab has ever been suspended or revoked and, if so, for what cause.

(b) The statement shall be signed and sworn to by the applicant and filed with the Town Clerk as a permanent record.

(2) Fingerprints. In addition, each applicant shall submit two sets of fingerprints to the Chief of Police or his designated representative in conformity with the Fingerprints Law of the Town, *Editor's Note: See Ch. 350, Fingerprints.* along with the required fee. Additionally, a certified check or money order in the amount specified by and made payable to the New York State Division of Criminal Justice Services to cover the cost of processing fingerprints shall accompany the application.

(3) Additional information. The Town Clerk is hereby authorized to require such additional information as the Town Clerk may deem necessary. The application shall be accompanied by the appropriate fee.

B. Inspection. No vehicle shall be licensed until it has been thoroughly and carefully inspected and examined by the Greenburgh Department of Public Works and found to be clean, fit, of good appearance and well painted and varnished. Additionally, each taxicab shall be equipped with such specifications as determined by the Chief of Police or his/her designated representative. The Department of Public Works shall make such examination and inspection and file a report thereof with the Town Clerk before a license is issued. Thereafter, the owner shall cause an inspection to be made by the Department of Public Works at intervals of not more than six months after the issuance of the license and shall file a copy of the inspection certificate with the Town Clerk within five days after the completion of the inspection. The filing fee for the inspection certificate shall be set by the Town Clerk, subject to the approval of the Town Board by resolution. If any vehicle is found to be unfit or unsuited for public patronage or if the owner fails to file a copy of the inspection certificate with the Town Clerk in a timely manner, the Town Clerk shall refuse a license to or, if already issued, revoke or suspend the license of the vehicle until such time as the vehicle is found to be fit and suited for public patronage. Additionally, a taxicab owner shall obtain taxi license plates from the State of New York for each vehicle for which the application is submitted. No vehicle shall be licensed in the Town as a taxicab unless the vehicle displays taxi license plates.

[Amended 7-9-2008 by L.L. No. 7-2008]

C. Investigation of owners. After completing the application, pursuant to Subsection A of this section, to the satisfaction of the Town Clerk, she shall forward a copy of the application to the designated officer at police headquarters. The Chief of Police or his designated representative shall cause an investigation to be made relative to the character and criminal record, if any, of said applicant. After completing this investigation, the Chief of Police or his designated representative shall forward to the Town Clerk his recommendation as to either granting or denying the application. No license shall be issued under the provisions of this chapter until the Chief of Police or his designated representative has indicated, in writing, his recommendation.

D. License card.

(1) If, upon inspection, a taxicab is found to be of lawful construction and in proper condition in accordance with the provisions of this chapter and upon the approval of the application and the payment of an application fee, the same shall be licensed by delivering to the owner a card of such size and form as may be prescribed by the Town Clerk. The card shall contain the name and address of the owner, the official license number of the taxicab, the date of the initial inspection by the Department of Public Works and a statement to the effect that, in case of any complaints, the Town Clerk shall be notified, giving the license number of the taxicab. Such card shall be signed by the Town Clerk.

(2) The licensee shall also affix the license card to a conspicuous and indispensable part on the inside of each taxicab. Any licensee who defaces, obliterates or changes any official entry made upon his/her

license or car shall have his/her license revoked. If a taxicab shall be disabled, disqualified for service or sold, or if the license card is lost or stolen, the licensee thereof shall promptly notify the Town Clerk, in writing, of said fact. The fee for a license card replacement will be established by the Town Clerk, subject to the approval of the Town Board by resolution.

[Amended 7-9-2008 by L.L. No. 7-2008]

- (3) Should the state license plates of a taxicab be changed during the life of the taxicab license, such change and number shall be immediately reported by the licensee to the Town Clerk.
- E. Application fee. For each taxicab license application submitted, the applicant shall pay to the Town Clerk an application fee. The amount of the fee shall be based on a per-vehicle charge as established by the Town Clerk, subject to the approval of the Town Board, by resolution.
- F. Suspension or revocation of taxicab licenses. Taxicab licenses may be revoked or suspended for a definite period of time, not to exceed one year, at any time, for cause, by the Town Clerk, in her discretion, if the vehicle shall be used for an immoral or illegal business or purpose or upon a violation of any ordinance or statute. When the license is suspended or revoked, the taxicab cards hereinbefore provided for shall be retained by the Town Clerk and shall be returned only after the expiration of the suspension period.
- G. Register of licensed taxicabs. The Town Clerk and the Chief of Police or his designated representative shall keep a register of the name of each person owning or operating a taxicab licensed under this chapter, together with the license number and the description and make of such vehicle, with the date and complete record of inspections made of it. Such record shall be open to the inspection of the public at all reasonable times.

§ 450-4. Licensing of drivers.

- A. Application. Each applicant for a taxicab driver's license must comply with the following to the satisfaction of the Town Clerk:
- (1) The applicant must first have obtained a New York State Class 4 driver's license.
 - (2) Form. The applicant shall fill out, upon a form to be provided by the Town Clerk, a statement which should include, among other things, the following: his full name; residence; places of residence for five years previous to moving to his present address; date of birth; height; social security number; color of eyes and hair; place of birth; places of previous employment for the last five years; whether he has ever been arrested for or convicted of any crime; whether he has been previously licensed as a driver or chauffeur and, if so, whether any license to operate a motor vehicle or a taxicab has ever been suspended or revoked and for what cause; and the motorist identification number issued by the state; which statement shall be signed and sworn to by the applicant and filed with the Town Clerk as a permanent record.
 - (3) Photograph of applicant. Each applicant for a driver's license must file with his application three passport photographs of himself, bareheaded on a white background and in such position as the Town Clerk may direct, taken within the 30 days preceding the filing of his application. Photographs shall be of a size two inches by two inches which may be easily attached to the license, one of which shall be attached to the license when issued, and the others shall be filed with the application.
 - (4) Fingerprints. In addition, each applicant shall submit two sets of fingerprints to the Chief of Police or his designated representative in conformity with the Fingerprints Law of the Town, *Editor's Note: See Ch. 350, Fingerprints.* along with any fees required by that chapter. In addition, a certified check or money order in the amount specified by and made payable to the New York State Division of Criminal Justice Services to cover the cost of processing fingerprints shall accompany the application.
 - (5) Additional information. The Town Clerk is hereby authorized and empowered to require such

additional information as may be deemed necessary.

B. Examination of drivers.

- (1) Each applicant for a driver's license shall be examined by the Chief of Police or his designated representative as to the applicant's knowledge of the provisions of this chapter, the traffic regulations of the Town, the Vehicle and Traffic Law of the state and the geography of the Town. In the event that an applicant should fail this exam, the applicant shall be permitted to retake the exam only once. In the event that the applicant should fail the exam a second time, he shall have his application denied and may reapply after six months.
- (2) Each application shall be accompanied by a certificate from a physician duly licensed by the State of New York certifying that he has examined the applicant within the thirty-day period prior to the filing of the application and that, in his opinion, the applicant is not afflicted with any disease or physical or mental condition or infirmity which might make him an unsafe or unsatisfactory driver.
- (3) If the results of any of the examinations are unsatisfactory in the opinion of the Town Clerk, the applicant shall be refused the license.

C. Investigation of driver. After completing the application pursuant to § 450-4A of this chapter to the satisfaction of the Town Clerk, the applicant shall take said application, together with the photographs of himself required by § 450-4A(3), and deliver the same to the Town Clerk, who shall forward a copy of the application and one of the photographs to the Chief of Police or his designated representative at police headquarters. The Chief of Police or his designated representative shall cause an investigation to be made relative to the character and criminal record, if any, of said applicant. After completing this investigation, the Chief of Police or his designated representative shall forward to the Town Clerk his recommendation as to either granting or denying the application. No license shall be issued under the provisions of this chapter until the Chief of Police or his designated representative has indicated, in writing, his recommendation.

D. Form and terms of driver's license. Upon satisfactory fulfillment of the foregoing requirements, there shall be issued to the applicant a license, which shall be in such form as to contain a photograph and signature of the licensee. Each license shall be stamped by the Seal of the Town upon at least a portion of the photograph and shall contain the name and place of residence of the licensee and the dates of issuance and expiration of the licenses. Any licensee who defaces, removes or obliterates any official entry made upon his license shall have his license immediately revoked. Every licensee must display his license next to the vehicle license in a prominent place inside the taxicab.

E. Driver's license application fees. The application fee for a Town taxicab driver's license shall be as established by the Town Clerk subject to the approval of the Town Board by resolution.

F. Reasonable terms and conditions. In the event that the Town Clerk determines to grant an application for a license, the Town Clerk may impose such reasonable terms and conditions on said license so as to effectuate the purposes of this chapter. If the applicant is aggrieved by such terms and conditions, the applicant may appeal the determination of the Town Clerk to the Town Board within 30 days of such determination. The procedure for such appeal shall be as set forth below in § 450-7.

G. Record of driver's licenses. There shall be kept in the office of the Chief of Police or his designated representative and the Town Clerk a complete record of each license issued to a driver and of all suspensions and revocations thereof, which record shall be kept on file with the original application of the driver for a license.

§ 450-5. Issuance or denial of license.

Within 30 days after receipt of the reports and recommendations of the Chief of Police or his designated representative, the Town Clerk shall determine, in her discretion, whether or not to grant such application. The Town Clerk may deny any application for cause, after written notice, for the following reasons, including but not limited to:

- A. Fraud, misrepresentation or false statement in the application for the license.
- B. Fraud, misrepresentation or false statement made in the course of carrying out the applicant's trade, business or occupation.
- C. Any violation of this chapter.
- D. Conviction of a felony or misdemeanor, which, in the judgment of the Town Clerk or the Chief of Police, renders the applicant unfit or undesirable, except by a majority vote of the Town Board.
- E. A taxicab driver has had his license suspended or revoked for any violation of New York State Vehicle and Traffic Law. A driver may reapply after his license has been reinstated.
- F. In the opinion of the Town Clerk, the applicant shall be undesirable or incapable of properly conducting a taxicab business or driving a taxicab.

§ 450-6. Revocation or suspension of license.

Licenses issued under the provisions of this chapter may be suspended for a definite period of time or revoked by the Town Clerk for cause, after written notice, including but not limited to the same reasons for denying an application listed above in § 450-5. A second suspension for the same reason shall revoke the license. No person whose license has been revoked shall be again licensed in the Town except upon a majority vote of the Town Board.

§ 450-7. Appeals; hearings.

- A. If an application is denied, revoked or suspended by the Town Clerk, notice shall be given to the applicant within 10 days, whereupon the applicant may appeal such denial within 30 days to the Town Board. If the applicant appeals such a denial, suspension or revocation by giving notice thereof in accordance with this section, the applicant must be prepared to go to a hearing on the appeal within 30 days of the giving of the notice of appeal in the case of denial of an application and within 14 days of the giving of the notice of appeal, in the case of a suspension or revocation, and, if the applicant, only in the case of a denial, delays the hearing on the appeal beyond such thirty-day period, the provisions of § 450-8C shall no longer be applicable.
- B. The Town Board shall be required to hold a public hearing upon every appeal from the denial, suspension or revocation of a taxicab license or a taxicab driver's license by the Town Clerk. All parties shall be given reasonable notice of such hearing, which notice shall include a statement of the time, place and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing is to be held; a reference to the particular sections of the statutes and rules involved, where possible; and a short and plain statement of matters asserted, including factual allegations. Any statement furnished shall be deemed, in all respects, to be a part of the notice of hearing.
- C. At such hearing, all parties shall be given an opportunity to present written argument on issues of law and an opportunity to present evidence and such argument on issues of fact; provided, however, that nothing contained herein shall be construed to prohibit the Town Board from allowing parties to present oral argument within a reasonable time. In fixing the time and place for hearings and oral argument, due regard shall be had for the convenience of the parties.
- D. Unless precluded by statute, disposition may be made of any hearing, by stipulation, agreed settlement, consent order, default or other informal method.
- E. At any hearing held pursuant to this section, the applicant, as well as any other interested parties, including any resident of the Town of Greenburgh, may state his views. After the conclusion of said hearing and within a period of 14 days, the Town Board shall be required to find whether the determination of the Town Clerk should be upheld or whether the Town Board should, in the exercise of its discretion, direct the issuance of such license.

§ 450-8. Renewals of licenses.

- A. Taxicab licenses. Taxicab licenses shall be nonrenewable, and a license holder must fulfill the same requirements as set forth in § 450-3, except that the requirements of § 450-3A(2), pertaining to fingerprints, need only be submitted on a biannual basis.
- B. Taxicab driver's licenses. Taxicab driver's licenses may be renewed subject to the same requirements as set forth in § 450-4, with the exception that an applicant for a driver's license renewal need not be examined as provided in § 450-4B(1) and that the requirements of § 450-4A(4), pertaining to fingerprints, need only be submitted biannually. An application for renewal may be obtained from the Town Clerk and must be filed not less than 30 days nor more than 60 days prior to the expiration of the current license.
- C. When, in the opinion of the Town Clerk, sufficient application for a renewal license has been made, the existing license shall not expire until the application has been finally determined by the Town Clerk. In the case of a renewal application which has been denied or a current license which has been suspended or revoked, unless otherwise indicated by the Town Clerk in an appropriate case, the license shall not expire until the appeal, if any, from such denial, suspension or revocation has been determined and a decision rendered by the Town Board.

§ 450-9. Taxicab stands.

- A. Designation. The Chief of Police or his designated representative is hereby authorized to locate and designate taxicab stands for taxicabs licensed by the Town of Greenburgh. He shall further designate the number of such taxicabs that shall be allowed to stand at any of the places designated by him. Owners of any property may apply to the Chief of Police or his designated representative for the establishment of taxicab stands adjacent to their premises, stating in such application the number of taxicabs they desire to occupy such stand. Such application shall be granted solely in the discretion of the Chief of Police or his designated representative, but only after such proposed taxicab stand has been approved by the Commissioner of Community Development and any other Town agencies or departments involved and may be revoked by him at any time upon just cause. All such designated taxicab stands shall be marked with appropriate signage.
- B. Regulation of taxicabs at stands. Taxicabs may remain at the stand while waiting for employment, only in single file, pointed in accordance with the traffic regulations. No taxicab standing at the head of any such line shall refuse to carry any orderly person applying for a taxicab who agrees to pay the proper rate of fare, but this shall not prevent any person from selecting any taxicab he may desire on the stand, whether it is at the head of a line or not. As the taxicabs leave the line with passengers, those behind shall move up, and any taxicab seeking a space on the stand shall approach the same only from the rear of the stand and shall stop immediately to the rear of the last taxicab on the stand. No taxicab shall stand within 10 feet of any crosswalk nor shall any taxicab remain unattended at any taxi stand.

§ 450-10. General regulations.

- A. Rates.
 - (1) The rates that may be charged by the owners or drivers of taxicabs for the transportation of passengers shall be established in a rate schedule to be determined by each licensed owner. The rate schedule must be filed with the Town Clerk along with the license application. In the event of a rate change, the Town Clerk must be furnished with an amended rate schedule within five days of the change.
 - (2) A copy of the rate schedule must be posted conspicuously in each licensed taxicab.
- B. Cruising. No cruising shall be permitted. No taxicab while awaiting employment by passengers shall stand on any public street or place other than at or upon a taxicab stand designated or established by this chapter. No person shall be allowed to ride on the front seat with the driver except a paying fare, and any driver who shall permit this may be deprived of his license.

- C. Articles found in taxicab.** Every driver of a taxicab, immediately after the termination of any hiring or employment, must carefully search such taxicab for any property lost or left therein and, upon the finding of any such property, must make a diligent and reasonable search to find and deliver the same to the owner thereof. If such owner is not found and the property returned within 24 hours, the driver of said taxicab shall deliver such property to the Desk Sergeant at police headquarters and report the circumstances of said finding and shall be entitled to a receipt therefor.
- D. Licenses and cards not assignable.** Every person to whom a card or license has been issued under the provisions of this chapter shall, upon discontinuing or abandoning the operation or driving of a taxicab, return such card or license to the Town Clerk, unless such card or license has been lost or for other reason cannot be restored. Such card or license shall not be assigned or transferred to any other person or be applicable to any other motor vehicle than the one specified therein. Whenever a license or card shall be lost, stolen or destroyed without fault on the part of the holder, his agent or employee, a duplicate in lieu thereof under the original application may be issued by the Town Clerk upon the filing of a sworn affidavit containing the facts of such loss or theft and upon the payment of the cost of such duplicate card or license.
- E. Identification of a taxicab.** Every taxicab, except a private livery cab, shall have the name and telephone number of the registered owner of such vehicle, with the words "TAXICAB" or "TAXICAB COMPANY" and the words "GREENBURGH, NEW YORK" plainly printed in letters at least two inches in height with at least one-fourth-inch stroke and proper and distinct colors on both sides of such taxicab, and each taxicab must have a number assigned by the taxicab company painted in such a manner on the left rear portion of the taxicab, and no other words or numbers shall appear on the sides of such taxicab which may lead to confusion in quickly identifying such taxicab. Additionally, the interior of every taxicab shall have conspicuously posted the same number assigned by the taxicab company and as appears on the left rear portion of the taxicab.
- F. Use for unlawful purposes.** It shall be unlawful for any licensed driver of any taxicab to misrepresent the name of his employer or knowingly to receive or transport any person or persons who intend to commit any unlawful act in such vehicle during the voyage or at the termination thereof, whether within such vehicle or not.
- G. Discrimination prohibited.** No driver or dispatcher of a taxicab shall, when available for hire, refuse or neglect to convey an orderly person or persons, upon request, anywhere within or without the Town.
- H. Miscellaneous.**
- (1)** No person owning or driving a taxicab shall deceive any passenger who may ride or who may desire to ride in any such vehicle as to his destination by the shortest route or the lawful price to be charged to such person for such service nor shall convey such passenger or cause him to be conveyed to a place other than that directed by him.
 - (2)** Every holder of a taxicab license shall at all times keep the inside of the taxicab operated by him in a clean and sanitary condition and shall, at least once each day, thoroughly clean the inside of such taxicab.
 - (3)** Every owner of a taxicab shall provide windows in the seating compartment of each taxicab sufficient in number and of such size and dimensions that at all times a person may open and be readily seen through such windows with sufficient distinctness to identify such person.
 - (4)** No owner or driver of a taxicab shall at any time so fasten or lock the doors on a taxicab that it is impossible for a passenger to open the same from the inside. Every owner shall provide means for unfastening doors on taxicabs so that such doors may be readily opened on the inside by a passenger.
 - (5)** Changes of address of owner or driver shall be reported to the Town Clerk, in writing, within three days.

- (6) Every taxicab shall be equipped with a fire extinguisher and signaling flares of a type and specifications as approved by the Town Fire Marshal.

§ 450-11. Penalties for offenses.

A. Owners.

- (1) Any owner of a taxicab not licensed or equipped in accordance with the provisions of this chapter or of a taxicab the license for which has been suspended or revoked who engages in the business of a taxicab as defined herein or attempts to engage in such business shall, upon conviction, be punished by a fine of not more than \$250 and/or imprisonment not to exceed 30 days. Each day the violation continues shall constitute a separate, additional offense.
- (2) Second and subsequent violations of the same offense within the same licensing period shall be a misdemeanor and punished by a fine of not more than \$500 and/or imprisonment not to exceed 90 days. Each day the violation continues shall constitute a separate, additional offense.

B. Drivers.

- (1) Any person not having been duly licensed as a taxicab driver or not having a taxicab license in full force and effect who drives for hire a taxicab upon the streets of the Town shall, upon conviction, be punished by a fine of not more than \$150 and/or imprisonment not exceeding 30 days. Each day the violation continues shall constitute a separate, additional offense.
- (2) Second and subsequent violation for the same offense within the same licensing period shall be a misdemeanor and punished by a fine of not more than \$500 and/or imprisonment not to exceed 90 days. Each day the violation continues shall constitute a separate, additional offense.

C. General.

- (1) Upon conviction of any person for any violation of provisions of this chapter, except as set forth in § 450-11A and B, the punishment for such violation shall be a fine of not more than \$150 and/or imprisonment not to exceed 30 days. Each day the violation continues shall constitute a separate, additional offense.
- (2) Second and subsequent violations for the same offense shall be punished by a fine of not more than \$500 and/or imprisonment not to exceed 90 days.

D. Suspension and revocation of license. In addition to the fine, imprisonment, or both, authorized by this chapter, any licensee shall be subject to the suspension or revocation of his license upon conviction for any violation of this chapter.

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