

## Chapter 299. Taxicabs and Vehicles for Hire

[HISTORY: Adopted by the Town Board of the Town of Southampton 2-22-2005 by L.L. No. 6-2005. Amendments noted where applicable.]

### GENERAL REFERENCES

Vehicles and traffic — See Ch. **312**.

Junked and abandoned vehicles — See Ch. **316**.

Off-road vehicles — See Ch. **320**.

## Article I. General Provisions

### § 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 Licensing Review Board in matters relating to the suspension and revocation of licenses. Pursuant to § **143-11B** of the Town Code of the Town of Southampton, the Licensing Review Board'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.

### § 299-2. Definitions.

- A.

Word usage. Words used in the singular below and elsewhere in this chapter shall include the plural and vice versa. The word "shall" is always mandatory.

B. The following terms as used herein shall have the following meaning:

**BUSINESS**

Includes any single act of transporting a passenger or passengers in a motor vehicle for hire or for compensation of any kind upon the public roads and highways within the Town of Southampton.

**DEPOT**

An additional place of business, other than the business office, in the area where an owner's terminal is located.

**EFFECTIVE DATE**

The date this chapter becomes effective: March 31, 2005.

**FARE**

A transportation charge or the price of passage or the sum paid or due for conveying a person by taxicab or vehicle for hire.

**IDENTIFICATION DEVICES**

Devices, including but not limited to licenses and placards to be posted and/or maintained within a taxicab and vehicle for hire as required herein.

**LICENSE**

Written authorization that permits a person to engage in the business of transportation for hire or to employ others for such purposes; permits the use of a specific vehicle in the business of transportation for hire; and/or allows a natural person to operate a motor vehicle engaged in transportation for hire.

**LIMOUSINE**

Any motor vehicle engaged in transportation for hire in connection with funerals, weddings, proms and other events or functions of a similar nature, or in connection with general transportation for hire when, at the prior request of the passenger(s), an unmarked vehicle is used and pickup is made by prior arrangement, whether hired by the hour, by the day or for a fixed fare, and/or so licensed by the New York State Department of Motor Vehicles.

**OPERATOR**

A natural person to whom proper state and local licensing for the operation of a motor vehicle for the purpose of transportation for hire is issued.

**OWNER**

A person to whom New York State registration of one or more vehicles engaged in the business of transportation for hire is issued, and/or a person owning or controlling one or more taxicabs and/or vehicles for hire and operating or causing to be operated any such vehicle(s).

**PASSENGER**

Any person other than the operator/driver who is an occupant of a taxicab or vehicle for hire upon the public roads and highways within the Town of Southampton.

**PERSON**

Any natural person, corporation, partnership, unincorporated association, or any other organization of two or more persons.

**PRICE GOUGING**

Charging a passenger any amount above the posted rate.

**TAXICAB**

Any motor vehicle engaged in the business of transportation for hire, other than a limousine, whether the same is operated from a street stand or subject to calls from a garage.

**TAXICAB STAND**

Any space designated by the Town of Southampton for licensed taxicabs and/or licensed vehicles for hire to park while waiting for business.

**TERMINAL**

A fixed base of operations for taxicabs or vehicles for hire located within the area for which application is made and designated as zoned for business, which also has adequate off-street parking facilities for licensed vehicles when not in operation.

**TOWN or TOWN OF SOUTHAMPTON**

All unincorporated hamlet areas within the Town of Southampton.

**TRANSPORTATION FOR HIRE**

The transporting of a passenger or passengers in a motor vehicle for hire or for compensation of any kind, upon the public roads and highways within the Town of Southampton.

**VEHICLE FOR HIRE**

Includes any motor vehicle used in the transportation of a passenger or passengers, for hire or for compensation of any kind, upon the public roads and highways within the Town of Southampton.

**VILLAGE**

Any incorporated village within the Town of Southampton.

**§ 299-3. Exemptions.**

The provisions of this chapter shall not apply to vehicles operated solely for the following activities:

- A. Private vehicles not engaged in the business of transportation for hire.
- B. Vehicles used solely for transportation of clients or employees of its business owner, whether for a fee or not, and are not made available for hire by other persons.
- C. Vehicles engaged in the transportation of hotel guests and employees only.
- D. Vehicles engaged in the transportation of school pupils and employees only.
- E. Buses, as defined by New York State Vehicle and Traffic Law.
- F. Vehicles for hire engaged in transportation from a point within the Town to a point outside the town, or from a point outside the Town to a point within the town, or from a point outside the town, through the town, and to a point beyond the town.
- G. Limousines, as defined in § 299-2 herein.

## § 299-4. Applications for and issuance of licenses.

- A. On and after the effective date of this chapter, it shall be unlawful for any person to engage in the business of transportation for hire upon the public roads and highways within the Town of Southampton without possessing a valid business owner license, operator license, and/or vehicle license issued under the provisions of this chapter. An offense against this provision shall constitute a misdemeanor.
- B. Applications for a license or license renewal shall be filed annually with and on a form supplied by the Town Clerk and shall include all information reasonably required by the Town from time to time in order to administer the provisions of this chapter and to assist in determining an applicant's fitness. All statements contained in the application shall be in the form of a notarized and sworn affidavit. A false statement made in this application is punishable as a Class A misdemeanor pursuant to § 210.45 of the Penal Law of the State of New York. A false instrument submitted by any applicant is punishable as a Class A misdemeanor pursuant to § 170.05 of the Penal Law of the State of New York.
- C. Unless otherwise stated, all other offenses against this chapter shall be considered violations.
- D. Any change in name, residence, business location, or any change in the telephone number of the person designated for service of legal process set forth in the license application shall be reported in writing via certified mail, return receipt requested, to the Town Clerk within seven days of the occurrence. Any other such change shall be so reported in writing to the Town Clerk within 30 days of occurrence.
- E. Prior to the issuance of any license hereunder, the Town Clerk shall refer all license applications to the Department of Public Safety for review with regard to the fitness or desirability of the applicant.

## § 299-5. Transfers, expirations and renewals.

- A. Transfers unlawful. It is unlawful for any person to transfer or assign any license or the identification device issued under the provisions of this chapter to any other person or vehicle.
- B. Expirations. All licenses issued hereunder shall have a term of no more than one year, and shall expire on the 31st day of December immediately following the date of issuance.
- C. Renewals. Applications for renewal of all licenses shall be made 60 days prior to the expiration date thereof. An application for renewal of any license made more than 30 days after the expiration date thereof shall be subject to an additional penalty fee.

## § 299-6. Surrender of license.

- A. Suspension or revocation. Holders of licenses issued pursuant to this chapter shall surrender them to the Town Clerk immediately upon demand after the suspension or revocation thereof as provided in § **299-23** hereof.
- B. Sales. Holders of licenses issued pursuant to this chapter shall notify the Town Clerk within 24 hours of the sale or other disposition of a licensed vehicle. Holders of licenses shall surrender the vehicle license to the Town Clerk no later than seven days from the sale or other disposition of a business or any vehicle and shall submit proof that the license plates have been surrendered to the Department of Motor Vehicles.

- C. State actions. Holders of licenses issued pursuant to this chapter shall surrender same to the Town Clerk no later than seven days from suspension or revocation by the State of New York of any relevant license, permit or registration.

## **§ 299-7. Exclusive rights to locations prohibited; state highways.**

- A. Public properties. Owners or operators involved in transportation for hire shall not have exclusive rights to any location on any road or highway, or on any public property, unless so prescribed by a contract or franchise agreement with the public entity owning said property.
- B. Owners or operators involved in transportation for hire shall not stand, park, idle, occupy, wait for fares, solicit fares, pick up fares, or otherwise use the parking areas at the property commonly known as the "Bridgehampton Community House" and more particularly described on the Suffolk County Tax Map as No. 900-86-1-8.001, without a valid contract, license agreement or franchise agreement with the Town of Southampton.

[Added 5-22-2012 by L.L. No. 6-2012<sup>[1]</sup>]

[1] *Editor's Note: This local law also provided for the redesignation of former Subsection B as Subsection C.*

- C. State highways. Owners or operators involved in transportation for hire shall not occupy any part of a state highway for the purpose of soliciting passengers for so long as the same is governed and regulated by New York State Vehicle and Traffic Law § 1157(c) and § 1800.

## **§ 299-8. Training.**

Business owners and operators are responsible for ensuring that they and their agents take such training courses as may be required from time to time by the State of New York, County of Suffolk, and Town of Southampton specifically designed to educate and familiarize them with the provisions of this chapter and/or customary safety standards. Evidence of the satisfactory completion of such courses shall be filed with the Town Clerk along with the license application. Current license holders shall file with the Town Clerk proof that they are regularly attending and/or have satisfactorily completed such courses.

## **Article II. Business Owner Requirements**

### **§ 299-9. Application for business owner license.**

The application for a business owner license shall require but not be limited to information including personal and business information name, address, social security number, listing of various convictions, business federal identification number, revocation of past licenses, names and addresses of all vehicle operators, and information regarding the person designated to accept process or legal notices.

### **§ 299-10. Business owner regulations.**

The following regulations are the responsibility of the owner as to themselves and their vehicles, operators, and/or employees during all times and operations of the business.

- A.

Compliance. Owners shall comply with all requirements of this chapter and all other laws, ordinances, codes, rules and regulations, including but not limited to those concerning vehicles, traffic, and parking of the Town of Southampton, County of Suffolk, and State of New York. Owners shall also specifically be in compliance with all vehicle regulations and operator regulations set forth in this chapter, as they may apply to owners.

- B. Fares. Owners shall comply with § 299-18 of this chapter with respect to fares.
- C. Identification devices. Owners shall comply with Article V of this chapter with respect to identification devices.
- D. Written logs. Owners shall comply with § 299-20 of this chapter with respect to all written logs.
- E. Signs and/or Displays. Owners shall comply with § 299-15 of this chapter with respect to vehicle regulations.
- F. Invalid documents. Owners shall not allow the operation of any of their vehicles while the Town or New York State license they or any operator of any such vehicle holds is not in effect, has expired, or has been suspended or revoked.
- G. Unauthorized licenses and operators. Owners shall not allow the use of their license or their vehicle by any person not properly licensed under this chapter or any other applicable state laws or regulations.

## Article III. Operator Requirements

### § 299-11. Application for operator license.

- A. General requirements. The application for an operator license shall require but not be limited to personal and business information, name, address, social security number, listing of various convictions, business federal identification number, revocation of past licenses, current driver's license, local DMV abstract if applicable, and a statement from a doctor licensed to practice medicine in the State of New York regarding the applicant's fitness to safely operate a licensed vehicle.
- B. Additional requirements. Applicants shall also submit:
  - (1) Photographs: two identical photographs of the applicant, taken no longer than 60 days prior to submission of the application, being no more than two inches by two inches in size, showing both the head and shoulders of the applicant.
  - (2) Fingerprints. Unless specifically waived by the Town Clerk upon a showing of facts which, in the discretion of the Town Clerk, warrant the waiving of said requirement, the applicant shall arrange for an appointment with the Department of Public Safety for appropriate fingerprinting, and such completed fingerprint card shall thereafter be forwarded to the New York State Division of Criminal Justice Services for a full search. In connection with such fingerprinting requirement:
    - (a) The application shall be accompanied by an appropriate fee, the amount and form of payment to be determined by the Town Clerk pursuant to the requirements of, and payable to, the New York State Division of Criminal Justice Services, which amount shall be in addition to the processing fees stated herein, for such investigation of the applicant as is deemed necessary or advisable for the protection of the public good and welfare.

- (b) The New York State Division of Criminal Justice Services will return such criminal history record information as may exist in its files or a statement that no such relevant information exists, such record to be filed with the Town Clerk. The Town Clerk shall review any information disseminated by the Division of Criminal Justice Services.
- (c) The Town Clerk may waive the requirement for new fingerprints for each renewal period, unless the license issued under the provisions of this chapter has lapsed for a period of time in excess of one year.

## § 299-12. Operator regulations.

The regulations set forth herein are the responsibility of the operator while in possession of a vehicle and of the owners as to themselves and their vehicles, operators and/or employees during all times and operations of the business.

- A. Compliance. Operators shall comply with all requirements of this chapter and all other laws, ordinances, codes, rules and regulations, including but not limited to those concerning vehicles, traffic and parking of the Town of Southampton, County of Suffolk, and State of New York. Operators shall specifically be in compliance with all owner and vehicle regulations set forth in this chapter, as they may apply to operators.
- B. Fares. Operators shall comply with § 299-18 of this chapter with respect to fares.
- C. Identification devices. Operators shall comply with Article V of this chapter and shall not operate vehicles that do not have the required identification devices conspicuously posted and securely fastened on the interior of the vehicle.
- D. Lost property. Operators shall make a thorough search of the interior of a vehicle after the discharge of each passenger and immediately turn over any lost or misplaced article(s) to the appropriate local police authorities.
- E. No smoking. Smoking shall not be permitted in the vehicle when a passenger(s) occupies the vehicle so long as the same is governed and regulated by state law [Public Health Law § 1399-0].
- F. Alcoholic beverages. No operator or passenger shall drink an alcoholic beverage or possess an open container containing an alcoholic beverage in a taxicab for so long as the same is governed and regulated by state law [Vehicle and Traffic Law § 1227].
- G. Operator/passenger conduct. Operators shall conduct themselves in an orderly manner while operating a vehicle for hire and shall transport any person(s) conducting himself or herself in an orderly manner upon request to do so, unless then under hire by another person or unless prohibited from so doing by any other provisions of this chapter. Operators may refuse to transport those passengers who are conducting themselves in a disorderly manner, or in a manner where the operator believes that his/her safety or driving is compromised by the passenger's behavior.
- H. Written logs. Operators shall comply with § 299-20 of this chapter with respect to written logs.
- I. Delays. Operators shall not delay more than 10 minutes after first receiving a passenger and before proceeding to convey the passenger to his or her destination, unless the passenger so requests.
- J. Improper vehicle conditions. Operators shall not operate vehicles that are not clean, sanitary, fit, of good appearance, and in a safe condition for the transportation of passengers.
- K. Invalid documents. Operators shall not operate any vehicle while their Town license, chauffeur's licenses, or other appropriate state-issued licenses are not in effect, have expired, or have been

suspended or revoked, and shall not operate any vehicle for which the vehicle license or business owner's license is not in effect, has expired, or has been suspended or revoked.

- L. Overloading. Operators shall not use a vehicle for transporting a greater number of passengers than the rated capacity of the vehicle.
- M. Parking. Operators shall not park a vehicle upon public roads or highways when not in actual operation, except in those areas designated for taxicab parking, unless they have displayed an "Off Duty" sign.
- N. Peddling. Operators shall not peddle or allow the peddling of any goods or property from or near a vehicle.
- O. Unattended vehicles. Operators shall not leave a vehicle unattended in any public place, except in their depot or garage or when necessary for the operator to be absent from the vehicle but in no event for more than 30 consecutive minutes, unless they have displayed an "Off Duty" sign.
- P. Unauthorized operators. Operators shall not allow any other person to use their licenses.

## **Article IV. Vehicle Requirements**

### **§ 299-13. Application for vehicle license.**

The application for a vehicle license shall require but not be limited to copies of the current, valid title and New York State vehicle registration, proof of a valid New York State inspection certificate for said vehicle, insurance requirements as set forth in § 299-21 herein, a copy, if any, of the applicant's owner or operator license, or license application as filed with the Town Clerk, and any information required in said license application and business owner information, if different from the vehicle owner.

### **§ 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 Licensing Review Board revokes the license, a new application, Town inspection, and fee shall be required.

### **§ 299-15. Vehicle regulations.**

The following regulations are the responsibility of the owner as to themselves and their vehicles, operators and/or employees during all times and operations of the business, and of the operator while in possession of a vehicle:

- A. Compliance. Each vehicle shall be in compliance with all requirements of this chapter and all ordinances, local laws, codes, laws, rules and regulations, including but not limited to those concerning vehicles, traffic and parking, of the Town of Southampton, County of Suffolk, and State of New York. Each vehicle shall also specifically be in compliance with all business owner and vehicle operator regulations set forth in this chapter, as they may apply to vehicles.
- B. Identification devices. Each vehicle shall have posted any and all identification devices required by Article V of this chapter.
- C. Taxicab identification. Each vehicle used as a taxicab, as defined hereinabove, shall have the words "taxi," "taxicab," or "vehicle for hire," affixed to each side of the exterior, not more than four inches in height, and the business name and address shall be affixed to the lower portion of the front door, on each side of the exterior, not less than 1 1/4 inches in height. Any vehicle already equipped with a raised dome light affixed to the roof shall limit the text in such dome to the business name, the words "taxi," "taxicab," "vehicle for hire" or "off-duty" with the letters being no more than 1 1/4 inches high and 1/4 inch thick.  
[Amended 11-22-2005 by L.L. No. 61-2005]
- D. Signs and/or displays. Advertising and displays on vehicles regulated by this chapter shall be compliant with all federal and New York State laws and all regulations promulgated by the New York State Department of Motor Vehicles.  
[Amended 2-28-2012 by L.L. No. 3-2012]
- E. Attention-seeking devices. Loudspeakers, noisemaking devices and/or any other attention-seeking devices may not be used by operators, owners, or any person on their behalf in any vehicle upon any road, highway, alley, residential and commercial neighborhood, park or other public place within the Town for the purpose of attracting attention to solicitation of passengers or for any other purpose.
- F. Invalid documents. No vehicle may be operated while its license or any appropriate New York State issued registration or inspection certificate is not in effect, has expired, or has been suspended or revoked.
- G. Liveries as taxis. No vehicle bearing private livery registration plates may be used as a taxicab or vehicle for hire within the Town of Southampton. All taxicabs and vehicles for hire shall have taxicab license plates as provided by the State of New York Department of Motor Vehicles.
- H. Trailers. No vehicle may be operated to transport passengers while a trailer or semitrailer is attached or secured thereto.

## **Article V. Licenses, Fares and other Identification Devices**

### **§ 299-16. Identification devices generally.**

Owners and operators shall post any and all identification devices as required in this chapter and shall report the loss, theft, mutilation, or alteration of any such devices to the Town Clerk within 48 hours.

### **§ 299-17. Posting of licenses; contents.**

[Amended 11-22-2005 by L.L. No. 61-2005]

- A. Business owner license. Upon approval of an application, the Town Clerk shall issue to the business owner a license bearing the title "Business License: Transportation for Hire" which shall set forth the owner's name, business name, business address, date of expiration, and the license number thereof.
  - (1) Posting. Owners, at all times, are responsible for keeping their license conspicuously posted within their business office, with a copy to be conspicuously posted for the passenger to see within each vehicle.
- B. Operator license. Upon approval of an application, the Town Clerk shall issue to the vehicle operator a permit bearing the title "Operator License: Transportation for Hire" which shall set forth the operator's name and photo, date of expiration, and the number thereof.
  - (1) Posting. Operators, at all times, are responsible for keeping their license conspicuously posted on the front seat passenger side visor within the vehicle, within full view for the passenger to see, and securely fastened in a clear and readable manner.
- C. Vehicle license. Upon approval of an application, the Town Clerk shall issue for each vehicle a certificate bearing the title: "Vehicle License: Transportation for Hire" which shall set forth the license number and date of expiration, vehicle identification number, and license plate number of said vehicle.
  - (1) Posting. The license shall be attached to the upper rear exterior windshield of the vehicle and shall be kept clear and readable at all times.

## **§ 299-18. Filing and posting of schedules of fares; contents.**

- A. Filing. Along with their license or renewal application, owners shall annually file with the Town Clerk a copy of the current, valid schedule of fares to be charged for the transportation of passengers for hire in their vehicles. Said schedule filed in the Town Clerk's office shall be the only version to be posted and referred to for fares and shall be stamped as such by the Town Clerk's office.
- B. Posting. Owners, at all times, and operators, while in possession of a vehicle, are responsible for keeping said schedule of fares conspicuously posted behind the driver's seat and securely fastened in the interior of each vehicle, in a clear and readable manner.
- C. Contents. The schedule of fares shall set forth the following information:
  - (1) The title "Schedule of Fares: Transportation For Hire."
  - (2) The fares to be charged legibly printed on white cardboard or similar type materials not less than six inches by eight inches in size, and the calendar year for which they are applicable.
- D. Restrictions. No fare may be charged in excess of the rates fixed on the schedule of fares, and no fare may be charged whatsoever if said schedule is not filed with the office of the Town Clerk and posted conspicuously within the interior of a vehicle so all passengers may view it. An offense against this provision shall constitute a misdemeanor.

## **§ 299-19. Issuance and posting of passenger rights and complaints; contents.**

- A. Issuance. Upon approval of an application for a vehicle license, the Town Clerk shall issue a placard for each vehicle, bearing the title "Passenger Rights and Complaints," which shall set forth the following:

- (1) Passenger rights. Passengers in taxicabs and vehicles for hire are entitled to quiet, safe, orderly, timely, and comfortable transportation, at the price stated on the Schedule of Fares, that is on file with the Town Clerk's office and posted in the vehicle in a clear and readable manner.
  - (2) Complaints. Passengers who wish to file complaints regarding poor service, poor vehicle conditions, improper conduct or any other reason should notify the Town Clerk, in writing, at Town of Southampton, Town Hall, Attn: Town Clerk, 116 Hampton Road, Southampton, New York, 11968.
- B. Posting. Owners, at all times, and operators, while in possession of a vehicle, are responsible for keeping said placard conspicuously posted and securely fastened in the interior backseat of each vehicle, in a clear and readable manner.
- C. No smoking. A "No Smoking" sign, or the international "No Smoking" symbol, shall be prominently posted and properly maintained in all vehicles by the owner and operator so long as the same is governed and regulated by state law [Public Health Law § 1399-p].

## **§ 299-20. Maintenance and inspection of written logs.**

- A. Maintenance of dispatch logs. Owners, at all times, are responsible for maintaining and immediately updating a written log, recording all engagements of all vehicles used in said business, the time and place each passenger engaged each vehicle, the time and place each passenger terminated the engagement of each vehicle and the fares charges for each engagement.
- B. Maintenance of trip logs. Owners, at all times, and operators, while in possession of a vehicle, are responsible for maintaining a daily log of all trips for each vehicle, showing the time and place each passenger's engagement began and ended and the fares charges for each engagement. A copy of the daily logs shall be maintained in the vehicle and available for inspection by the Town upon request.
- C. Inspections. Such records shall be kept for three years from the date the vehicle is taken out of service and shall be available for inspection by the Town, upon request, at all times during said period.

## **§ 299-21. Liability insurance; proof required.**

- A. Business owners.
- (1) Filing. Owners shall, prior to issuance or renewal of their licenses, annually file with the Town Clerk memoranda of automobile liability insurance for their business and each vehicle used therein. The memoranda shall set forth that the business and each vehicle are insured against public liability in at least the minimum limits required by the laws of New York State for personal injury and property damage, that said insurance company shall provide the Town of Southampton with 30 days' prior written notice of cancellation, and the name, local address, and telephone number of the insurance agent.
  - (2) Cancellation. If said insurance is suspended or canceled for any reason whatsoever, the business owner's license and each vehicle license shall be suspended until such time as a reinstatement of said policy or memorandum of an acceptable, current and valid policy is filed with the Town Clerk.
- B.

Vehicle operator. Operators, while in possession of a vehicle, are responsible for having the valid, current insurance card for said vehicle, issued to the business and/or vehicle owner, with them at all times.

## Article VI. Disapprovals, Suspensions, Revocations and Appeals

### § 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 Licensing Review Board 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 five 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 Licensing Review Board 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 Licensing Review Board 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 Licensing Review Board 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 Licensing Review Board, 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 Licensing Review Board 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 Licensing Review Board 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 five 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 Licensing Review Board shall give the holder and any other interested party a reasonable opportunity to be heard.
  - E. If the Licensing Review Board determines that the license should be suspended or revoked, the Licensing Review Board 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 Licensing Review Board 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.

## Article VII. Fees and Penalties

### § 299-26. Schedule of fees.

Fees for each license application under this chapter, including late fees and fees for all lost, stolen, or destroyed licenses, shall be established from time to time by resolution of the Town Board, a copy of which shall remain on file with the Town Clerk's office. Fees shall not be refunded in the event that an application is denied, nor shall there be any reduction in fees for licenses issued for a fractional part of the year.

### § 299-27. Penalties for offenses.

[Amended 8-23-2005 by L.L. No. 46-2005]

- A. Misdemeanors. Any person found to have violated §§ **299-4A** or **299-18D** of this chapter shall be guilty of a misdemeanor. A first offense hereunder shall be punishable by a fine of not less than \$500, a second conviction shall be punishable by a fine of not less than \$500 or more than \$1,000, and a third conviction shall be punishable by a fine of not less than \$1,000 or more than \$1,500, or in each case, by imprisonment for a period not to exceed one year, or both. Each day that the offense continues shall constitute a separate additional misdemeanor.
- B. Violations. Any person found to have committed any other offense against this chapter not specifically designated as a misdemeanor, or any section or provision thereof, is guilty of a violation. A first violation of this chapter shall be punishable by a fine of not less than \$250, a second conviction shall be punishable by a fine of not less than \$250 or more than \$500, and a third conviction shall be punishable by a fine of not less than \$500 or more than \$750, or in each case, by imprisonment for a period not to exceed 15 days, or both. Each day that the violation continues shall constitute a separate additional offense.
- C. Notwithstanding a conviction for a violation or misdemeanor, and imposition of a fine and/or imprisonment, any license holder shall also be subject to suspension, revocation or future disapproval of any license held by him or her in his or her own or any business or corporate name for offense against this chapter. The provisions contained in this chapter regarding disapproval, suspension, and revocation shall be controlling to effectuate any disapproval, suspension, or revocation.
- D. In addition to any other remedy provided by law, where authorized by a duly appointed resolution of the Town Board, the Town Attorney shall bring and maintain a civil proceeding in the name of the Town in the Supreme Court to recover a civil penalty against any person conducting, maintaining, or permitting a violation of this chapter.