



Southampton Town Board
116 Hampton Road
Southampton, NY 11968

Meeting: 04/12/16 01:00 PM
Department: Town Attorney
Category: Local Laws
Prepared By: Carl Benincasa
Initiator: James Burke
Sponsors: Councilman Stan Glinka
DOC ID: 24540

ADOPTED

TOWN BOARD RESOLUTION 2016-369

Resolution of Adoption Amending Chapter 299 (Taxicabs and Vehicles for Hire) in order to Subject Livery Operators to the Regulations Thereunder

WHEREAS, the Town Board is considering amending Chapter 299 (Taxicabs and Vehicles for Hire), to expand the types of vehicles subject to Town regulation; and

WHEREAS, a public hearing was held on March 22, 2016, at Southampton Town Hall, 116 Hampton Road, Southampton New York, at which time any and all persons either for or against said enactment were heard; and

WHEREAS, the Department of Land Management has advised the Town Board that the proposed amendment to Chapter 299 is a "Type II Action" under the provisions of the New York State Environmental Quality Review Act (SEQRA) and Chapter 157 of the Town Code and that no further review under New York Environmental Conservation Law, Article 8, is necessary; now therefore be it

RESOLVED, that Local Law No. 7 of 2016 is hereby adopted as follows:

LOCAL LAW NO. 7 OF 2016

A LOCAL LAW amending Town Code Chapter 299 (Taxicabs and Vehicles for Hire) to subject Livery Vehicles to Town regulation.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

SECTION 1. Legislative Intent.

The Town began regulating Taxicabs and Vehicles for Hire in order to ensure the health and safety of Southampton's residents and visitors. Our code requires a thorough investigation and review of the drivers and vehicles servicing our community. While these regulations do place some burden on those working within the Vehicle-for-Hire industry, such burden is justified given the Town Board's responsibility to protect the wellbeing of the general public.

Under our current code, drivers that operate unmarked vehicles to pick up passengers based on a prior arrangement are exempt from Town regulation. This leaves a large percentage of our community's vehicles-for-hire unregulated with no means of oversight of the vehicle's operators, owners or the vehicles themselves. Furthermore, unlike traditional taxicabs, they are not required to pay licensing fees. This gap in regulation has become more problematic given the large increase in such ridership due to the popularity of Transportation Network Companies, such as Uber, whose typical business model permits them to operate under the aforementioned exemption.

The Town Board of the Town of Southampton believes that the general welfare of its residents and visitors requires that the operators of such unmarked, pre-arranged vehicles, commonly referred to as Livery Vehicles, be subject to the Town's Taxicab and Vehicles for Hire regulations. This will serve to ensure the health, safety and wellbeing of our

community, and further, will regulate the Vehicle for Hire industry in an even handed and equitable manner.

SECTION 2. Amendment.

Sections 299-2 (Definitions), 299-11 (Application for operator license), 299-13 (Application for vehicle license), 299-15 (Vehicle Regulations), and 299-17 (Posting of Licenses; contents) of Town Code Chapter 299 (Taxicabs and Vehicles for Hire) is hereby amended by deleting the stricken words and adding the underlined words as follows:

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

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 pursuant to an express written contract 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.~~

LIVERY VEHICLE

Any motor vehicle engaged in transportation for hire when, at the prior request of the passenger(s), the vehicle is used and pickup is made by prior arrangement or dispatch, 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. For the purposes of this chapter, vehicles for hire when operating through use of a Transportation Network Company, as defined herein, shall be considered Livery 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.

TRANSPORTATION NETWORK COMPANY

An organization, including but not limited to, a corporation, Limited Liability Company, Partnership, Sole Proprietor or any other entity that provides pre-arranged transportation services for compensation using an online-enabled application or platform to connect passengers with drivers using a personal vehicle.

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.

Section 299-11 (Application for operator license.)

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 the applicant possess a valid for-hire vehicle driver's license from the Suffolk County Department of Labor, Licensing and Consumer Affairs or its successor agency, or if 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, or if otherwise deemed necessary to monitor the applicant's criminal record:

(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.

Section 299-13. ~~Application for v~~Vehicle license, generally.

A. Application. 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.

B. Vehicle License, types. The Town shall issue the following two types of vehicle licenses:

(1) Vehicle License: Livery. This vehicle license shall be issued to all those vehicles operating exclusively as Livery Vehicles, as defined in Section 299-2 above.

(2) Vehicle License: Transportation for Hire. This vehicle license shall be issued only to those vehicles operating as taxicabs, as defined in section 299-2 above, and having taxicab license plates as provided by the State of New York Department of Motor Vehicles.

Section 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.~~

A. Vehicle Regulations: Livery. All those vehicles operating under a "Vehicle License: Livery," shall comply with the following:

(1) Compliance. Each vehicle shall be in compliance with all applicable 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.

(2) Identification devices. Each vehicle shall have posted any and all identification devices required by Article V of this chapter.

(3) Signs and/or displays. Advertising and displays on the exterior of the vehicle other than one small sign on each side of the vehicle, not exceeding 12 inches in height by 12 inches in width, used exclusively for the identification of the livery vehicle as a vehicle for hire, shall be prohibited.

(4) 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.

(5) Invalid documents. No livery 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.

(6) Trailers. No livery vehicle may be operated to transport passengers while a trailer or semitrailer is attached or secured thereto.

B. Vehicle Regulations: Transportation for Hire. All those vehicles operating under a "Vehicle License: Transportation for Hire," shall comply with the following:

(1) Compliance. Each vehicle shall be in compliance with all applicable 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.

(2) Identification devices. Each vehicle shall have posted any and all identification devices required by Article V of this chapter.

(3) 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.

(5) 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.

(6) 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.

(7) Invalid documents. No livery 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.

(8) Taxicab License Plates. All vehicles operating as taxicabs shall have taxicab license plates as provided by the State of New York Department of Motor Vehicles.

(9) Trailers. No taxicab may be operated to transport passengers while a trailer or semitrailer is attached or secured thereto.

Section 299-17 (Posting of Licenses; contents.)

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 of either: "Vehicle License: ~~Transportation for Hire Livery~~" or "Vehicle License: Transportation for Hire", pursuant to Article IV of this chapter, 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.

SECTION 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §§10(1)(ii)(a)(1) and 10(1)(ii)(d)(3).

SECTION 4. Severability.

If any section or subdivision, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

After filing with the Secretary of State pursuant to Municipal Home Rule Law, this local law shall take effect on May 2, 2016.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to publish the following Notice of Adoption:

NOTICE OF ADOPTION

TAKE NOTICE, that after the Town Board of the Town of Southampton held a public hearing on March 22, 2016, at Southampton Town Hall, 116 Hampton Road, Southampton, New York, during which all persons either for or against said amendment were heard, the Town

Board, at its meeting of March 22, 2016 adopted Local Law No. 7 of 2016, entitled: "A LOCAL LAW amending Town Code Chapter 299 (Taxicabs and Vehicles for Hire) to subject Livery Vehicles to Town regulation."

Copies of the proposed local law, sponsored by Council Stan Glinka are on file in the Town Clerk's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD
TOWN OF SOUTHAMPTON, NEW YORK
SUNDY A. SCHERMEYER, TOWN CLERK

Financial Impact

None

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Stan Glinka, Councilman
SECONDER:	John Bouvier, Councilman
AYES:	Schneiderman, Lofstad, Scalera, Bouvier, Glinka