

CHAPTER 72

TAXICABS AND TAXICAB OPERATORS

Adopted on 12-2-1993

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[HISTORY: Adopted by the Common Council of the City of Dunkirk on 12-2-1993; Amended on 3-7-1995 as L.L. #7-1995; Amended on 6-18-1996 as L.L. #10 (Intro #11) 1996]

§ 72-1. Definitions. As used in this chapter, the following term shall have the meaning indicated:

TAXICAB - a motor vehicle having a seating capacity for passengers of not more than five (5) persons in addition to the driver and used in the business of transporting passengers for compensations, but not operating on a fixed route.

ARTICLE I
Taxicabs

§ 72-2. License Registration. [Amended on 6-18-1996 by L.L. #10 (Intro No. 11) 1996]

- A. It shall be unlawful to engage in the business of operating a taxicab in the City of Dunkirk without first having secured a license registration therefore.
- B. Applications for such license registration shall be made in writing to the City Clerk, upon a form provided by the Clerk. Applications shall list the vehicle identification number of each taxicab to be covered by the license registration and shall include a copy of the registration and insurance certificate for each taxicab to be covered by the license registration.
- C. The owner of the taxicab business is responsible for insuring that all of its operators obtain City driver's licenses, as described in Section 72-8, infra and for obtaining a separate license registration for each of its individual taxicabs, as described in Section 72-3.
- D. No such license registration shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony; nor shall such license registration be issued to, or held by, any corporation if any officer thereof would be ineligible for a license under the foregoing standards. "Good character" is defined as the lack of convictions for misdemeanors related to crimes against persons, such as assaults, sex offenses, possession of weapons, larceny and drug charges and also the lack of such vehicle and traffic convictions as any alcohol related offense in the last three (3) years or two (2) such convictions in the last ten (10) years, three (3) speeding violations or more than three (3) moving violations in the last three (3) years. The Chief of Police may also determine that a license registration is not to be issued if, in his professional judgment, the applicant represents a danger to the safety of the public or has demonstrated a general disregard for the law and highway safety.
- E. License registrations obtained under this Article are non-transferable. License registration may not be transferred between taxicabs or between individuals.

§ 72-3. Fees. [Amended on 6-19-1996 by L.L. #10 (Intro No. 11) 1996]

- A. The annual fee, payable in advance, for a license registration covering one to three taxicabs, shall be Fifty Dollars (\$50.00), plus Twenty-five Dollars (\$25.00) for each additional taxicab in excess of three (3) taxicabs operated by any licensee.

- B. Whenever the number of cabs so operated shall be increased during the license year, the licensee shall notify the City Clerk of such change and shall pay the additional fee applicable and provide the vehicle identification number of the vehicle(s). If the licensee shall “retire” a cab and replace it with another taxicab, the licensee must notify the City Clerk and obtain a new license registration for the substitute taxicab. There shall be no fee for up to two “substitutions” per year if the total number of taxicabs operated by the licensee remains the same during the relevant annual fee period. For the third and subsequent “substitutions”, there shall be a Ten Dollar (\$10.00) fee assessed.
- C. All taxicab license registrations in effect on the effective date of this Article shall remain in full force and effect, however, the licensee shall provide the necessary additional information and shall comply with the additional terms of this Article within sixty (60) days of this Article.
- D. All license registration issued hereunder shall expire on the first day of January subsequent to issuance.
- E. Upon payment of the necessary fee and completion of the application and further compliance with this Article, each licensee shall receive stickers for the indicated number of taxicabs. **Such stickers shall be permanently affixed to the taxicab in full view on the left corner of the front windshield** and shall not be transferred. If the vehicle is no longer used as a taxicab, the licensee shall notify the City and turn in the sticker or provide proof of the destruction of the vehicle and/or the sticker and shall turn in the license registration associated with that taxicab. **[Amended on 6-18-1996 by L.L. #10 (Intro No. 11) 1996]**

§ 72-4. Display of License Registration. [Amended on 6-18-1996 by L.L. #10 (Intro No. 11) 1996]

Each license registration issued hereunder shall be numbered and state the name of the person or corporation to whom granted, the expiration date thereof, and shall at all times be displayed on the driver’s side sun visor in a conspicuous place within the taxicab.

§ 72-5. Revocation of License Registration. [Amended on 6-18-1996 by L.L. #10 (Intro No. 11) 1996]

The City Clerk, upon recommendation of the Chief of Police, may at any time, for reasonable cause, revoke any license registration issued hereunder.

§ 72-6. Abandonment of License Registration. [Amended on 6-18-1996 by L.L. #10 (Intro No. 11) 1996]

Any licensee who shall fail to operate a taxicab service licensed hereunder for a period of thirty (30) consecutive days shall be deemed to have abandoned such license registration and shall not thereafter operate a taxicab, unless a new application shall be made as herein provided.

§ 72-7. Inspections, Correction of Defects.

The Chief of Police may at any time compel a taxicab permit holder to submit any taxicab owned by such holder to an inspection of its mechanism and equipment by an official inspection station located within the City of Dunkirk. The Chief of Police shall compel such inspection at least two (2) times in each year of twelve (12) consecutive months. The owner shall pay the fee for such inspection.

No taxicab shall be operated and driven after each such inspection until all defects found in its mechanism or equipment by such inspection have been corrected and the operator of such inspection station certifies, in writing, to the Chief of Police that the taxicab was inspected at such station and that all defects in its mechanism and equipment have been corrected.

§ 72-8. Penalties for Offenses.

Any person violating any of the provisions of this Article shall be guilty of an offense and shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00) or by imprisonment for not more than ten (10) days, or both.

ARTICLE II

Taxicab Operator's License

§ 72-9. License Required; Application; Issuance; Duration of Current Licenses. [Amended on 6-18-1996 by L.L. #10 (Intro No. 11) 1996]

- A. No person shall operate any taxicab within the City of Dunkirk, without a City of Dunkirk taxicab operator's license issued upon the production of satisfactory proof of the fitness of the applicant therefore. The applicant shall present proof of the appropriate driver's license and picture identification. **[Amended on 6-18-1996 by L.L. #10 (Intro No. 11) 1996]**

- B. No City of Dunkirk taxicab operator's license shall be issued to, or held by, any person who is not a person of good character or who has been convicted of a felony. "Good character" is defined as the lack of convictions for misdemeanors related to crimes against persons, such as assaults, sex offenses, possession of weapons, larceny and drug charges and also the lack of such vehicle and traffic convictions as any alcohol related offense in the last three (3) years or two (2) such convictions in the last ten (10) years, three (3) speeding violations or more than three (3) moving violations in the last three (3) years. The Chief of Police may also determine that a license registration is not to be issued if, in his professional judgment, the applicant represents a danger to the safety of the public or has demonstrated a general disregard for the law and highway safety.
- C. A City of Dunkirk taxicab operator's license shall be issued by the City Clerk and be personal to the licensee and shall expire on the first day of January subsequent to issuance.
- D. Applications for such City of Dunkirk taxicab operator's license shall be made in writing to the City Clerk upon a form provided by the City Clerk.
- E. All City of Dunkirk taxicab operator's licenses in effect on the effective date of this Article shall remain in force, but the licensee must provide any additional information and meet any additional requirements of this Article within sixty (60) days of the effective date of this Article.
- F. City of Dunkirk taxicabs operator's licenses obtained under this Article are non-transferable between individuals, but may be used by the licensee in driving for any licensed taxicab company.
- G. The City of Dunkirk taxicab operator's license issued under this Article shall include a photograph of the taxicab operator, and shall be prominently displayed in the taxi.
- H. The City of Dunkirk taxicab operator's license issued under this Article may be revoked if the operator operates as a taxicab a vehicle which is not licensed under this law or works for an owner who is not licensed under this law.

§ 72-10. Fee.

The annual fee, payable in advance, for a City of Dunkirk taxicab operators' license shall be Twenty-five Dollars (\$25.00).

§ 72-11. Revocation of License. [Amended on 6-18-1996 by L.L. #10 (Intro No. 11) 1996]

The City Clerk, upon recommendation of the Chief of Police, may at any time, for reasonable cause, revoke any City of Dunkirk taxicab operator's license issued hereunder.

§ 72-12. Taxicab Operators License Renewal. [Amended on 6-18-1996 by L.L. #10 (Intro No. 11) 1996]

City of Dunkirk taxicab operators must apply to renew their City of Dunkirk taxicab operators' license every year. At the time of renewal application, a new record check will be made by the police department and the application will be treated as a new application, with all of the same standards applied.

§ 72-13. Penalties for Offenses.

Any person violating any of the provisions of this Article shall be guilty of an offense and shall be punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00) or by imprisonment for not more than ten (10) days, or both.