

**CITY OF PORT JERVIS, ORANGE COUNTY, NEW YORK**

**LOCAL LAW NO. OF 2016**

**A LOCAL LAW REPLACING THE EXISTING TAXI LAW IN THE**

**CITY OF PORT JERVIS, ORANGE COUNTY, NEW YORK**

ARTICLE I. Licensing and General Regulations

**§479-1. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

**DRIVER'S LICENSE**

Permission granted by the City of Port Jervis to a person to drive a taxicab upon the streets of the City of Port Jervis.

**PERSON**

An individual, a corporation or other legal entity, partnership and any other unincorporated association.

**STREET**

Any street, alley, avenue, court, bridge, lane or public place in the City.

**TAXICAB**

Any motor vehicle engaged in the business of carrying passengers for hire, whether the same is operated from a street stand or subject to calls from a garage or otherwise operated for hire, except vehicles subject to provisions of the Transportation Corporation Law, ambulances or hearses.

**TAXICAB DRIVER**

Any person who drives a taxicab, whether such person is the owner of such taxicab or employed by a taxicab owner or operator and whether operated on a regular, part-time or occasional basis.

**TAXICAB LICENSE**

Such license issued by the City of Port Jervis authorizing the holder thereof to conduct a taxicab business in the City of Port Jervis.

**TAXICAB STAND**

Any place designated by the City of Port Jervis and so marked by an appropriate sign alongside the curb of a street or elsewhere which is exclusively reserved for use of taxicabs.

**§ 479-2 Licenses required generally.**

It shall be unlawful for any person to drive, operate or keep for hire or pay within the limits of the City any taxicab without first having obtained and paid for a license to drive, a license to operate or keep for pay or hire, or both, and having the same in force and effect, under the provisions of this chapter.

**§ 479-3 Driver's license required; taxicab business license required.**

A. No person shall drive a taxicab and no person shall permit anyone to drive a taxicab within the limits of the City without such driver having first obtained and paid for and having in force and effect a driver's license under the provisions of this chapter.

B. No person shall conduct a taxicab business in the City of Port Jervis without having first obtained a taxicab license under the provisions of this chapter. Conducting a taxicab business in the City of Port Jervis shall be defined as entities having offices within or without the City limits which pick up and/or discharge passengers/customers within or without the City limits for a fare

**§ 479-4 Application for taxicab driver's license.**

[Amended 10-5-1994; 2-27-1995 by L.L. No. 6-1995]

A. Each applicant for a taxicab driver's license must properly complete and submit to the Port Jervis Police Department a taxi driver's application which shall contain the following information and satisfactory proof thereof:

- (1) Applicant must possess a valid proper class license from New York State necessary to operate a taxi.
- (2) Physical condition. Written report of a physician that the applicant is physically sound; possesses good eyesight and hearing; is not the subject of any diseases of the heart, blood vessels, brain, spinal cord, or organs of the respiratory system or their appendages; if the applicant has had any serious illness or injury which is perceptible in the heart, lungs, kidneys, or other abdominal organs, or the skin, eyes, ears, or limbs, etc.; that the functions of the brain and nervous system are in a healthy state; and whether the applicant uses stimulants, tobacco, or narcotic drugs. In addition, a statement from a physician stating that the applicant is mentally and physically fit to safely drive a public taxi.
- (3) Literacy. The applicant must be able to read and write the English language.
- (4) Such other information as the Chief of Police or his designee may deem necessary from time to time.

B. The foregoing application shall be signed and sworn to by the applicant and filed with the Port Jervis Police Department as a permanent record. Any false statement made by the applicant shall be cause for the immediate revocation of the taxicab driver's license issued by the City of Port Jervis. In the event the applicant disputes the cause for revocation of the taxicab driver's license pursuant to the aforesaid, he may notify the Port Jervis Police Department within 10 days after the date of revocation of said taxicab driver's license, and, upon such notification, a public hearing shall be held before the Common Council of the City of Port Jervis at its regularly scheduled meeting or at a special meeting called for such purpose. The decision of the Common Council with respect to the disposition of the driver's license in connection with said revocation shall be final and binding upon the City of Port Jervis and the applicant.

C. Applicant qualifications.

[Added 7-11-2005 by L.L. No. 3-2005]

(1) In order to be granted a City of Port Jervis taxicab driver's license, an applicant must:

- (a) Hold a valid New York State driver's license in the proper class or classification necessary to drive a taxicab in New York State.
- (b) Not have any warrants or warrants anywhere in any jurisdiction.
- (c) Have no felony convictions anywhere in any jurisdiction.
- (d) Have no felony charges pending anywhere in any jurisdiction.
- (e) Not be a registered or designated sex offender anywhere in any jurisdiction.

(2) If during the term of the taxicab driver's license issued by the City of Port Jervis any of the aforementioned conditions or requirements change, the same shall be cause for the immediate revocation of the Port Jervis taxicab driver's license by the appropriate individual board or agency of the City of Port Jervis.

## § 479-5 Photographs to accompany application for driver's license.

[Amended 10-5-1994; 2-27-1995 by L.L. No. 6-1995]

Each applicant for a taxicab driver's license must file with his application three unmounted, untouched photographs of himself, in such position as the Port Jervis Police Department may direct, taken within the 30 days preceding the filing of his application. Photographs shall be of a size which may be easily attached to the license. One shall be attached to the license when issued, one shall be filed with the application, and one shall be filed with the Chief of Police. The photograph shall be so attached to the license that it cannot be removed and another photograph substituted without detection. Each licensed driver shall, upon demand, exhibit his license and photograph for inspection.

## § 479-6 Background checks.

[Amended 12-22-2003 by L.L. No. 10-2003]

A. Taxicab license. Each applicant for a taxicab license shall comply with the requirements of Article **II**, Background Check for Taxicab License, of this chapter.

(1) Any applicant for a taxicab license who shall have previously complied with the requirements of Article **II**, Background Check for Taxicab License, of this chapter shall be relieved of the obligation to resubmit processing fees or fingerprint documentation relative to the background check required under said Article **II** upon subsequent renewal applications for such taxicab license.

(2) Any applicant for a taxicab license who had previously been issued a taxicab license by the City of Port Jervis and who had previously reported and disclosed on said license application prior criminal convictions shall not be barred from being granted a taxicab license based upon said prior disclosed and reported convictions. Any nonreported or subsequent conviction shall result in denial of the requested license as set forth in Article **II** of this chapter.

B. Taxi driver's license. Each applicant for a taxi driver's license shall comply with the requirements of Article **IV**, Background Check for Taxicab Driver's License, of this chapter.

(1) Any applicant for a taxicab driver's license who shall have previously complied with the requirements of Article **IV**, Background Check for Taxicab Driver's License, of this chapter shall be relieved of the obligation to resubmit processing fees or fingerprint documentation relative to the background check required under said Article **IV** upon subsequent renewal applications for such a taxicab driver's license.

(2) Any applicant for a taxicab driver's license who had previously been issued a taxicab driver's license by the City of Port Jervis and who had previously reported and disclosed on said license application prior criminal convictions shall not be barred from being granted a taxicab driver's license based upon said prior disclosed and reported convictions. Any nonreported or subsequent conviction shall result in denial of the requested license as set forth in Article **IV**.

## § 479-7 Driving history checks.

[Amended 10-5-1994; 2-27-1995 by L.L. No. 6-1995; 12-22-2003 by L.L. No. 10-2003]

A. Taxicab license. Each applicant for a taxicab license shall comply with the requirements of Article **III**, Driving History Check for Taxicab License, of this chapter

B. Taxicab driver's license. Each applicant for a taxi driver's license shall comply with the requirements of Article **V**, Driving History Check for Taxicab Driver's License, of this chapter.

## § 479-8 Issuance of license; defacement prohibited; duration; display.

A. Form; terms. 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 and blank spaces upon which a record may be made of any arrest of or serious complaint against him. Each license shall be stamped with the Seal of the City upon at least a portion of the photograph. All licenses shall be numbered in the order in which they are issued and shall contain the name and place of residence of the licensee and the dates of the issuance and expiration of the license.

B. Prohibited acts. The defacing, removal or obliteration of any official entry made upon a license issued by the City of Port Jervis to a driver shall be cause for immediate revocation of said license.

C. Duration. Taxi drivers' licenses or taxi licenses shall be issued as of February 1, 2004, and shall be valid to and including the day preceding the birthday of the applicant commencing in 2005, unless previously suspended or revoked. All licenses, commencing in 2005, must be renewed on or before the applicant's birthday in order not to lapse.

[Amended 12-22-2003 by L.L. No. 10-2003]

D. Display.<sup>a</sup> Such license or permit shall be carried by the licensee at all times when operating or in charge of any taxicab and shall be produced when demanded by any policeman or peace officer within the City of Port Jervis.

<sup>1</sup>:  
*Editor's Note: Former Subsection D, Temporary permit, as amended 7-27-1992 by L.L. No. 5-1992, was repealed 10-5-1994 and also 2-27-1995 by L.L. No. 6-1995.*

## § 479-9 Renewal of driver's license.

The Port Jervis Police Department may renew a driver's license from year to year.

## § 479-10 Fee for driver's license.

[Amended 9-28-1981 by L.L. No. 4-1981; 12-8-1986 by L.L. No. 8-1986; 7-27-1992 by L.L. No. 5-1992; 2-27-1995 by L.L. No. 6-1995; 12-22-2003 by L.L. No. 10-2003<sup>a</sup>]

The license fee for a taxi driver's license or renewal thereof shall be as provided in Chapter **280**, Fees, plus any additional processing fees. The applicable additional processing fees as set by the Division of Criminal Justice Services or other appropriate state agency shall be required to be submitted at the time of application for said license in order to be remitted to the Division of Criminal Justice Services of the State of New York for fingerprint processing fees. The remaining balance shall be required to be submitted at the time of approval of the application for said license and shall be retained by the City of Port Jervis.

<sup>1</sup>:  
*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. **II**).*

## § 479-11 Notice of conviction.

[Added 12-22-2003 by L.L. No. 10-2003]

Any person who shall apply for and receive a taxi license or renewal thereof, or a taxi driver's license or renewal thereof, and who shall thereafter be convicted of any felony crime, whether in New York State or otherwise, shall be obligated to inform the Chief of the Port Jervis Police Department, or his designee, of said conviction within 72 hours of said conviction having been entered. Said notification is required notwithstanding the filing of an appeal of said conviction or otherwise. Failure to notify the Chief of the Port Jervis Police Department, or his designee,

of said conviction within 72 hours of said conviction having been entered shall result in immediate revocation of the taxi driver's license or taxi license, subject to rights of appeal as otherwise provided in this chapter or other local laws of the City of Port Jervis.

## § 479-12 Suspension or revocation of driver's license.

A. Procedure. A driver's license or permit may at any time be suspended or revoked for cause, after a hearing on notice by the Common Council of the City of Port Jervis. Any such suspension shall be for the time period specified by said Common Council and shall be noted on the license, together with a statement for the reasons therefor. Notification of such suspension or revocation, as the case may be, shall be sent to the Police Department of the City of Port Jervis, which shall immediately confiscate said license. The license shall be returned to the licensee at the expiration of the period for which the license was suspended without payment of any additional fee.

B. Revocation; effect. A second suspension for the same reason or in any case a third suspension of a driver's license shall effect revocation thereof. No taxicab driver whose license or permit has been revoked in accordance with the terms and conditions of this chapter shall again be licensed as a taxicab driver in the City of Port Jervis except upon written application to the Common Council of the City of Port Jervis, whose decision thereon shall be final and binding upon the applicant and the City of Port Jervis.

## § 479-13 Records.

There shall be kept in the office of the Port Jervis Police Department a complete record of each license or permit issued to a driver and of all renewals, suspensions and revocations thereof, which record shall be kept on file with the original application of the driver for a license.

## § 479-14 Application for taxicab license; duration.

A. Required; duration. It shall be unlawful for any person to operate or permit to be operated a taxicab upon the streets of the City without first having obtained therefor a taxicab license under the provisions of this chapter from the Port Jervis Police Department. Such license shall be issued as of March 1 and shall expire on the last day of February next succeeding, unless sooner suspended or revoked.

B. Application. Application for a taxicab license shall be made by the owner upon blank forms furnished by the Port Jervis Police Department. Such application shall contain the following information:

- (1) The name, age and residence of the person applying for the license and what, if any, previous experience he has had in such business.
- (2) The name, age and residence of the persons to be in immediate charge of any such taxicab or taxicabs.
- (3) Make, year, model, type, VIN (vehicle identification number), license plate number, seating capacity, odometer reading and date of purchase of the vehicle to be used as a taxicab. [Amended 10-5-1994; 2-27-1995 by L.L. No. 6-1995]
- (4) Whether previously licensed to operate a taxicab, and if so, where.
- (5) Whether the license to operate a taxicab has ever been revoked, and if so, for what cause.<sup>u</sup>

11:

*Editor's Note: Former Subsection B(6) and (7), dealing with photographs and fingerprints, respectively, which immediately followed this subsection, were repealed 10-5-1994 and also 2-27-1995 by L.L. No. 6-1995.*

- (6) Such other information as the Port Jervis Police Department may deem necessary.

## § 479-15 Inspection of vehicles; unfit vehicles.

A. Inspection. In addition to any motor vehicle inspection required by the Motor Vehicle Department of the State of New York, no vehicle shall be licensed as a taxicab to be operated in the City of Port Jervis as a taxicab until it has been thoroughly and carefully inspected and examined and found to be in a thoroughly safe condition for the transportation of passengers, clean, fit, of good appearance and well painted and varnished. The Chief of Police or someone designated by him shall make such examination and inspection before a license is issued and shall make such inspection of such licensed vehicle two (2) times annually.

B. Unfit vehicle. The Port Jervis Police Department shall refuse to issue a license for or, if already issued, revoke or suspend the license of any vehicle found by the Chief of Police of the City of Port Jervis to be unfit or unsuited for public patronage.

## § 479-16 Issuance of taxicab license.

A. Issuance. 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 the license fee hereinafter set forth, the same shall be licensed by delivering to the owner a card of such size and form as may be prescribed by the the Port Jervis Police Department.

B. Contents; use. The card shall contain the official license number of the taxicab, together with the date of inspection of the same and a statement to the effect that in case of any complaints the Port Jervis Police Department shall be notified, giving the license number of the taxicab. Such card shall be signed by the licensing official and shall contain blank spaces upon which an entry shall be made of the date of every inspection of the vehicle by the Chief of Police or his representative.

## § 479-17 Fee for taxicab license.

[Amended 9-28-1981 by L.L. No. 4-1981; 12-8-1986 by L.L. No. 8-1986; 7-27-1992 by L.L. No. 5-1992; 12-22-2003 by L.L. No. 10-2003<sup>u</sup>]

The license fee for a taxi license or renewal thereof shall be as provided in Chapter **280**, Fees, plus any additional processing fees. The applicable additional processing fees as set by the Division of Criminal Justice Services or other appropriate state agency shall be required to be submitted at the time of application for said license in order to be remitted to the Division of Criminal Justice Services of the State of New York for fingerprint processing fees. The remaining balance per vehicle shall be required to be submitted at the time of approval of the application for said license and shall be retained by the City of Port Jervis.

11:

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 11).*

## § 479-18 Periodic inspections of vehicles; reports.

The Chief of Police shall, from time to time, see that all taxicabs licensed by the City of Port Jervis are kept clean and in good repair on the interior and exterior for public use and shall inspect or cause to be inspected all taxicabs from time to time, as hereinbefore provided or on the complaint of any person of full age, as often as may be necessary. Reports in writing of all inspections shall be promptly filed in the office of the Port Jervis Police Department.

## § 479-19 Suspension or revocation of vehicle license.

In the event, after conviction by a court of competent jurisdiction, it is determined that any vehicle so licensed pursuant to the terms and conditions of this chapter has been used for an illegal business or purpose, the license for such vehicle shall be deemed revoked forthwith without any further action by the City of Port Jervis. The Police Department of the City of Port Jervis shall cause such license to be confiscated and returned to the Port Jervis Police Department. No new license shall be issued until after application therefor and good cause has been shown. In the event the issuance of a license is refused after revocation, as in this section provided, the applicant may demand a hearing before the Common Council of the City of Port Jervis, which hearing shall be held not less than 20 days after request therefor at a regular or special meeting of the Common Council of the City of Port Jervis. The decision of the Common Council of the City of Port Jervis on the issuance or denial of said license shall be final and binding upon the applicant and the City of Port Jervis. In the event a court of competent jurisdiction has determined that a vehicle licensed by the City of Port Jervis is in violation of any ordinance of said City or any state law governing the use, operation or licensing of motor vehicles, then and in that event the license shall be suspended forthwith and the Police Department shall confiscate the same. The period of suspension shall be determined by the Common Council of the City of Port Jervis at its next regular meeting. Said period of suspension shall be based upon report of the Chief of Police to the Common Council. Upon the expiration of said suspension period, said taxicab license shall be returned.

## § 479-20 Register of licensed vehicles.

The Port Jervis Police Department shall keep a register or card index 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 and the date and complete record of inspection made of it. Such record shall be open to the inspection of the public at all reasonable times.

## § 479-21 Location and designation of taxicab stands.

- A. Authority of Chief of Police. The Chief of Police shall be authorized to locate and designate taxicab stands. He shall further designate the number of such taxicabs that shall be allowed to stand at any of the places designated by him and shall provide a metal sign, which shall be attached to a post or stanchion adjacent to such stand.
- B. Application for stand. Owners of any property may apply to the Port Jervis Police Department 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 Common Council and may be revoked by it at any time.

## § 479-22 Use regulations for taxicab stands; permit to occupy stand.

Only taxicabs in such numbers as are provided for by parking spaces may remain at the stand while waiting for employment, and only in single file, pointed in accordance with applicable traffic regulations. The taxicab stand shall be used only for the purpose of parking, and while any licensed taxicab is in any of said spaces it shall not be repaired, washed or otherwise serviced. No vehicle shall occupy a stand unless a permit therefor has been issued by the Port Jervis Police Department. Applications for permits to occupy a stand shall designate the stand and shall be made in writing to the Port Jervis Police Department by the owner upon forms prescribed by the licensing official.<sup>11</sup>

<sup>11</sup>:  
*Editor's Note: Original § 144-22, Soliciting passengers for hire, which immediately followed this section, was repealed 10-5-1994 and also 2-27-1995 by L.L. No. 6-1995.*

## § 479-23 Disposition of articles found in taxicabs.

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 any such property, unless sooner claimed or delivered to the owner, must be taken to the nearest police station and deposited with the officer in charge within 24 hours after the finding thereof.

## § 479-24 Return of license upon discontinuing operation; assignability, transfer; duplicate licenses.

- A. Duty of licensee. Every person to whom a license or permit has been issued under the provisions of this chapter shall, upon discontinuing or abandoning the operation or driving of a taxicab, return such license or permit to the Port Jervis Police Department unless such license or permit has been lost or for other reasons cannot be restored.
- B. Assignment and transfer prohibited. Such license and permit shall not be assigned or transferred to any other person or be applicable to any motor vehicle other than the one specified therein. Any licensee who permits his license or permit to be used by any other person, and any person who uses such license or permit granted or given to any other person, shall each be guilty of a violation of this chapter.
- C. Duplicate licenses and permits. Whenever a license or permit 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 Port Jervis Police Department upon the filing of a sworn affidavit containing facts of such loss or theft. A fee as provided in Chapter **280**. Fees, shall be charged for said duplicate license or permit.  
[Amended 10-5-1994; 2-27-1995 by L.L. No. 6-1995<sup>11</sup>]

<sup>11</sup>:  
*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

## § 479-25 Deception of passengers prohibited.

[Amended 10-5-1994]

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 for such person, nor shall he convey such passenger or cause him to be conveyed to a place other than that directed by him. Taxicab fees shall be set by the Common Council, and any price or fee increase must be approved by the Common Council.

## § 479-26 Misrepresentation of employer; passengers intending to commit unlawful acts.

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. It shall also be unlawful for any such driver to solicit or procure or to aid or assist in soliciting or procuring any person to ride in a licensed taxicab with the intent to commit any unlawful act therein or at any time during the voyage or at the termination thereof, whether within the vehicle or not.

## § 479-27 Maintenance and required apparatus of licensed vehicles.

- A. Cleanliness of vehicle. Every holder of a taxicab license shall at all times keep the inside of the cab operated by him in a clean and sanitary condition and shall at least once each day thoroughly clean the inside of such taxicab.
- B. Windows. Every owner of a taxicab shall provide windows in the passenger portion of each taxicab sufficient in number and of such size and dimension that at all times persons may be readily seen through such windows with sufficient distinctness to identify such persons.
- C. Locks on doors. 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.
- D. Changes in address. Changes in address of owner or driver shall be reported to the Port Jervis Police Department in writing within three days.
- E. Every owner of a taxicab shall designate it as a taxicab by the use of the word "Taxi" which shall be either painted on the driver and passenger front side doors or be attached to said doors by a magnetic strip or decals. In either case, such letters shall be uniform size, at least four inches in height, and each stroke of each letter shall not be less than one inch in width. [Added 10-5-1994; amended 2-27-1995 by L.L. No. 6-1995]

## § 479-28 Penalties for offenses.

- A. Unauthorized vehicles. Any owner or driver of a taxicab not licensed or equipped in accordance with the provisions of this chapter, or of a taxicab the license of which has been suspended or revoked, who engages in the business of a taxicab as defined herein or attempts to engage in such business or solicits passengers for hire, shall, upon conviction, be punished as prescribed in Chapter 1, General Provisions, Article I. [Amended 9-28-1981 by L.L. No. 4-1981]
- B. Unauthorized drivers. Any person not having been duly licensed as a taxicab driver, or any person whose license as such driver has been revoked, or any person whose license has been suspended and who during the term of suspension drives for hire a taxicab upon the streets, shall, upon conviction, be punished as prescribed in Chapter 1, General Provisions, Article I. [Amended 9-28-1981 by L.L. No. 4-1981]
- C. Other offenses. Upon conviction of any person for any offense against a provision of this chapter for which no punishment is specifically provided, the punishment, upon conviction for such offense, shall be as prescribed in Chapter 1, General Provisions, Article I. [Amended 9-28-1981 by L.L. No. 4-1981]
- D. License suspension or revocation in addition to other penalties. 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. The Common Council may, in its discretion, suspend or revoke a license granted under any provision of this chapter pending or in advance of any criminal prosecution of the licensee.

## Article II. Background Check for Taxicab License

### § 479-29 Legislative Intent.

By the adoption of this article the City of Port Jervis declares its intent to delegate to the Chief of Police, or his designee, and Port Jervis Police Department established in the City of Port Jervis the authority, presently entrusted to the Common Council of and for the City of Port Jervis, to determine the criminal history of persons applying for a taxicab license in the City of Port Jervis. It is specifically the intent of the City of Port Jervis to reserve to the Common Council of the City of Port Jervis the power to approve or deny persons applying for a taxicab license in the City of Port Jervis, but that all other supervisory and administrative duties, including background checks, be delegated to the Chief of Police or his designee and Police Department of the City of Port Jervis.

### § 479-30 Definitions.

The words and phrases and definitions of words as used in the New York State Town Law and/or the New York State Vehicle and Traffic Law shall be applied in the enforcement of this article.

### § 479-31 Authority retained.

The City of Port Jervis is delegating authority for the comparison of fingerprint analysis to the Division of Criminal Justice Services by submission of fingerprint cards and appropriate processing fees. The Port Jervis Police Department will secure fingerprint cards and the appropriate processing fees for said applicants and submit them to the Division of Criminal Justice Services. The Chief of the Port Jervis Police Department, or his designated agent within the Port Jervis Police Department, shall be responsible for reviewing the criminal history record information disseminated by the Division of Criminal Justice Services. The Chief, or his designee, will then provide a statement to the Common Council regarding an applicant's suitability for licensure.

### § 479-32 Eligibility.

Any applicant determined to have been convicted of any felony, as defined in § 10.00 of the New York State Penal Law or as defined by the Vehicle and Traffic Law of the State of New York, will be denied approval for a taxicab license in the City of Port Jervis, County of Orange, State of New York, unless the disability created by conviction of a felony has been removed as provided in the Correction Law of the State of New York.

### § 479-33 Appeal of denial.

Any applicant having been denied approval for a taxicab license in the City of Port Jervis, County of Orange, State of New York, shall have the right to appeal the denial to the Safety Committee of the Common Council of the City of Port Jervis, Orange County, New York. Said appeal must be filed within 15 days of receipt of notice of the denial of the taxicab license and must be in writing, delivered to the office of the Police Department of the City of Port Jervis. Any challenge regarding criminal history records must be conducted in accordance with the rules and regulations of the Division of Criminal Justice Services of the State of New York.

## **Article III. Driving History Check for Taxicab License**

### **§ 479-34 Legislative Intent.**

By the adoption of this article, the City of Port Jervis declares its intent to delegate to the Chief of Police, or his designee, and Port Jervis Police Department established in the City of Port Jervis the authority, presently entrusted to the Common Council of and for the City of Port Jervis, to determine the past driving history of persons applying for a taxicab license in the City of Port Jervis. It is specifically the intent of the City of Port Jervis to reserve to the Common Council of the City of Port Jervis the power to approve or deny persons applying for a taxicab license in the City of Port Jervis, but that all other supervisory and administrative duties, including background checks, shall be delegated to the Chief of Police, or his designee, and Police Department of the City of Port Jervis.

### **§ 479-35 Definitions.**

The words and phrases and definitions of words as used in the New York State Town Law and/or the New York State Vehicle and Traffic Law shall be applied in the enforcement of this article.

### **§ 479-36 Authority retained.**

The City of Port Jervis is delegating authority for the comparison of identifying information to the New York State Department of Motor Vehicles by submission of required personal information and appropriate processing fees to be secured by the Port Jervis Police Department from applicants for a taxicab license in the City of Port Jervis for the specific purpose of identification, processing and determination of prior driving history by the New York State Department of Motor Vehicles. The Port Jervis Police Department will secure necessary personal information/identifiers and appropriate processing fees for said applicants for submission to the New York State Department of Motor Vehicles. The Chief of the Port Jervis Police Department or his delegated agent within the Port Jervis Police Department shall be responsible for reviewing the driving history record information disseminated by the New York State Department of Motor Vehicles after the review and submission of the personal information/identifiers and appropriate processing fees as set forth above.

### **§ 479-37 Eligibility.**

Any applicant determined to have seven points as established by the New York State Department of Motor Vehicles assessed against his/her license will be denied a taxicab license in the City of Port Jervis, County of Orange, State of New York.

### **§ 479-38 Appeal of denial.**

Any applicant having been denied a taxicab license in the City of Port Jervis, County of Orange, State of New York, shall have the right to appeal the denial to the Safety Committee of the Common Council of the City of Port Jervis, Orange County, New York. Said appeal must be filed within 15 days of receipt of notice of the denial of the taxicab license and must be in writing, delivered to the office of the Police Department of the City of Port Jervis.

## **Article IV. Background Check for Taxicab Driver's License**

### **§ 479-39 Legislative Intent.**

By the adoption of this article, the City of Port Jervis declares its intent to delegate to the Chief of Police, or his designee, and Port Jervis Police Department established in the City of Port Jervis the authority, presently entrusted to the Common Council of and for the City of Port Jervis, to determine the criminal history of persons applying for a taxicab driver's license in the City of Port Jervis. It is specifically the intent of the City of Port Jervis to reserve to the Common Council of the City of Port Jervis the power to approve or deny persons applying for a taxicab driver's license in the City of Port Jervis, but that all other supervisory and administrative duties, including background checks, be delegated to the Chief of Police, or his designee, and Police Department of the City of Port Jervis.

### **§ 479-40 Definitions.**

The words and phrases and definitions of words as used in the New York State Town Law and/or the New York State Vehicle and Traffic Law shall be applied in the enforcement of this article.

### **§ 479-41 Authority retained.**

The City of Port Jervis is delegating authority for the comparison of fingerprint analysis to the Division of Criminal Justice Services by submission of fingerprint cards and appropriate processing fees. The Port Jervis Police Department will secure fingerprint cards and the appropriate processing fees for said applicants and submit them to the Division of Criminal Justice Services. The Chief of the Port Jervis Police Department, or his designated agent within the Port Jervis Police Department, shall be responsible for reviewing the criminal history record information disseminated by the Division of Criminal Justice Services. The Chief, or his designee, will then provide a statement to the Common Council regarding an applicant's suitability for licensure.

### **§ 479-42 Eligibility.**

Any applicant determined to have been convicted of any felony, as defined in § 10.00 of the New York State Penal Law or as defined by the Vehicle and Traffic Law of the State of New York, will be denied approval for a taxicab driver's license in the City of Port Jervis, County of Orange, State of New York unless the disability created by conviction of a felony has been removed as provided in the Correction Law of the State of New York.

### **§ 479-43 Appeal of denial.**

Any applicant having been denied approval for a taxicab driver's license in the City of Port Jervis, County of Orange, State of New York, shall have the right to appeal the denial to the Safety Committee of the Common Council of the City of Port Jervis, Orange County, New York. Said appeal must be filed within 15 days of receipt of notice of the denial of the taxicab

driver's license and must be in writing, delivered to the office of the Chief of Police of the Port Jervis Police Department. Any challenge regarding criminal history records must be conducted in accordance with the rules and regulations of the Division of Criminal Justice Services of the State of New York.

## **Article V. Background Check for Taxicab Driver's License**

### **§ 479-44 Legislative Intent.**

By the adoption of this article, the City of Port Jervis declares its intent to delegate to the Chief of Police, or his designee, and Port Jervis Police Department established in the City of Port Jervis the authority, presently entrusted to the Common Council of and for the City of Port Jervis, to determine the past driving history of persons applying for a taxicab driver's license in the City of Port Jervis. It is specifically the intent of the City of Port Jervis to reserve to the Common Council of the City of Port Jervis the power to approve or deny persons applying for a taxicab driver's license in the City of Port Jervis, but that all other supervisory and administrative duties, including background checks, shall be delegated to the Chief of Police, or his designee, and Police Department of the City of Port Jervis.

### **§ 479-45 Definitions.**

The words and phrases and definitions of words as used in the New York State Town Law and/or the New York State Vehicle and Traffic Law shall be applied in the enforcement of this article.

### **§ 479-46 Authority retained.**

The City of Port Jervis is delegating authority for the comparison of identifying information to the New York State Department of Motor Vehicles by submission of required personal information and appropriate processing fees to be secured by the Port Jervis Police Department from applicants for a taxicab driver's license in the City of Port Jervis for the specific purpose of identification, processing and determination of prior driving history by the New York State Department of Motor Vehicles. The Port Jervis Police Department will secure necessary personal information/identifiers and appropriate processing fees for said applicants for submission to the New York State Department of Motor Vehicles. The Chief of the Port Jervis Police Department or his delegated agent within the Port Jervis Police Department shall be responsible for reviewing the driving history record information disseminated by the New York State Department of Motor Vehicles after the review and submission of the personal information/identifiers and appropriate processing fees as set forth above.

### **§ 479-47 Eligibility.**

Any applicant determined to have seven points as established by the New York State Department of Motor Vehicles assessed against his/her license will be denied a taxicab driver's license in the City of Port Jervis, County of Orange, State of New York.

### **§ 479-48 Appeal of denial.**

Any applicant having been denied a taxicab driver's license in the City of Port Jervis, County of Orange, State of New York, shall have the right to appeal the denial to the Safety Committee of the Common Council of the City of Port Jervis, Orange County, New York. Said appeal must be filed within 15 days of receipt of notice of the denial of the taxicab driver's license and must be in writing, delivered to the office of the Police Department of the City of Port Jervis.

**PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE GENERAL CITY LAW OF THE STATE OF NEW YORK, IT IS THE STATED INTENTION OF THE CITY TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE CITY HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.**