

Chapter 67
TAXICABS

ARTICLE I
General Provisions

§ 67-1. Purpose.

It is the purpose and intent of this chapter to control and regulate the activities of taxicabs in the Town of Brookhaven. History has shown that there is a need for licensing and review of taxicab companies in the interest of promoting public safety and morals, child welfare, economic well-being and highway safety and usage. This chapter is intended to protect the peace and security of our citizens in their homes and neighborhoods; to safeguard consumers against fraud and inferior services; and to prevent congestion and unsafe conditions on the streets and highways of the Town. It has been made with reasonable consideration of the character of our community and with a view to preserving that character, among other considerations.

§ 67-2. Definitions.

- A. Word usage. Words used in the singular in this chapter shall include the plural and vice versa. The word "shall" is always mandatory.
- B. Wherever "Commissioner" appears it shall mean "Commissioner of Public Safety or his designee."
- C. Definitions. The following definitions shall govern the interpretation of this chapter unless otherwise expressly defined herein:

BLACK CAR(S) — (Reserved)

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 streets, road and highways within the Town of Brookhaven.

CRUISING — To travel about the street and roadways at random.

DEPOT — An additional place of business in the area where an owner's terminal is located.

LICENSE — Due authorization in writing, as provided herein, which permits a person to engage in the business of transportation for hire or to employ others for said purposes.

LIMOUSINE — Includes 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 livery 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.

MEDI BUS — (Reserved)

OPERATOR — Includes a natural person who is entitled to obtain in his or her own name proper New York State licensing for the operation of a motor vehicle for the purpose of transportation for hire.

OWNER — Includes a person, as defined herein, who is a business owner, principal, director and/or officer of a business, a purchaser under a reserve title contract, conditional sales, contract or vendor's lien agreement and a lessee who is entitled to obtain in his or her own name proper New York State registration of the vehicles engaged in the business of transportation for hire, and/or a person owning or controlling one or more taxicabs or limousines and operating/driving or causing to be operated/driven any such vehicle for hire.

PASSENGER — Includes any person other than the operator/driver who is an occupant of a taxicab or limousine upon the public streets, roads and highways within the Town of Brookhaven.

PERMIT — Due authorization in writing, as provided herein, which permits a natural person to operate a motor vehicle engaged in transportation for hire.

PERSON — Includes natural persons, corporations, partnerships, unincorporated associations or any other organizations of two or more persons.

TAXICAB — Includes any motor vehicle engaged in the business of transportation for hire, other than a limousine.

TERMINAL — A fixed base of operations 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 — Includes all areas within the Town of Brookhaven, exclusive of areas wholly within any incorporated village.

TRANSPORTATION FOR HIRE — Includes the transporting of a passenger or passengers in a motor vehicle, for hire or for compensation of any kind, upon the public streets, roads and highways within the Town of Brookhaven.

VEHICLE FOR HIRE — Includes any motor vehicle used in the transporting of a passenger or passengers, for hire or for compensation of any kind, upon the public streets, roads and highways within the Town of Brookhaven.

§ 67-3. Exemptions.

The provisions of this chapter shall not apply to vehicles solely owned and operated for the activities set forth herein:

- A. Private vehicles not engaged in the business of transportation for hire.
- B. Business vehicles engaged in a business other than transportation for hire, wherein said vehicles are used solely for transportation of clients

of said business, whether for a fee or not, and are not made available for hire by persons other than clients of the principal business.

- C. Hotel vehicles engaged in the transportation of hotel guests only.
- D. Club vehicles engaged in the transportation of club members only.
- E. Public or private school vehicles engaged in the transportation of school pupils only.
- F. Buses as defined by New York State Vehicle and Traffic Law.
- G. Vehicles for hire engaged in transportation from a point within the Town to a point without the Town, or from a point without the Town to a point within the Town, or from a point without the Town, through the Town, to a point beyond the Town.
- H. Vehicles for hire engaged in transportation upon a defined route under a franchise therefor from the Town of Brookhaven.
- I. Limousines as defined in § 67-2 herein.

§ 67-4. through § 67-5. (Reserved)

ARTICLE II
Business Owner Requirements

§ 67-6. License required for business owners.

It shall be unlawful for any person to engage in a taxicab business within the Town of Brookhaven without first having secured a license from the Commissioner of Public Safety or his designee, hereinafter referred to as the "Commissioner?"

§ 67-7. License application; qualifications; examinations.

- A. Application. Applications for a license or license renewal required herein shall be filed with the Commissioner, on a form supplied by the Commissioner. Said application shall be in the form of a sworn affidavit by the applicant stating that all information therein is true and accurate to the best of his or her knowledge and belief, including the information set forth hereinbelow.
- (1) Personal information of operators and/or employees to be kept at the taxicab company. Said operators' and/or employees' information shall be made available to the Commissioner for review upon five days' written notice to the taxicab company pursuant to § 67-36 of this chapter .
 - (a) Name, address (local address and legal address, if different), telephone and social security number, including maiden name where applicable, of applicant and all operators.
 - (b) Place of residence (local address and legal address, if different) for the past five years, if different from above, of applicant and all operators.
 - (c) Age, height, weight, eye color, hair color, place and date of birth.
 - (d) Any convictions for felonies or misdemeanors or violations of any municipal ordinances (except with relation to municipal traffic and/or parking violations) and, if so, in what court, when, where, upon what charges and the sentence of the court, including the docket, index, indictment or file number in such court of applicant and all operators.
 - (e) Applicant must submit to a physical examination and drug test by an authorized New York State Board-certified medical doctor. Said medical doctor shall issue a written medical opinion regarding whether there is any affliction of any physical or mental disease or infirmity which might make the applicant/operator an unsafe or unsatisfactory license holder, and whether the applicant/operator has any drug or alcohol dependency or drug use other than by prescription.

- (f) Applicant must require annual drug testing of each operator and/or employee prior to the issuance of a renewal and keep same on file pursuant to § 67-7A(1).
 - (g) For identification purposes, whether the applicant and all operators are a citizen of the United States; if citizenship was obtained by naturalization, the date and place where obtained; if an alien, proof of legal entry into the United States must be submitted.
 - (h) Proof that the applicant's operators and/or employees can read and write the English language. Operators must read out loud and write a portion of the application in the presence of the applicant and sign in the presence of the applicant.
 - (i) Applicants must insure that all operators have met the requirements of this chapter.
- (2) Business information.
- (a) The name, address and telephone number of the business located within the Town of Brookhaven.
 - (b) The place of business and/or employment for the past five years, including the names and addresses thereof, if different from above.
 - (c) Any previous licenses held in any occupation and, if so, when, where and for what period and whether said licenses were ever revoked or suspended, the date of the revocation or suspension and the reason therefor.
 - (d) Copies of any certificates on file with a County Clerk, the New York State Secretary of State or other appropriate office, if applicant employs a trade name or an assumed name, such as a doing/business/as (DBA), corporate or partnership name, under which the business is operated, as well as the New York State sales tax identification number for all persons, corporations, partnerships, associations or other business entities.
 - (e) The names and addresses of all vehicle operators.
 - (f) The name, address, telephone number and title of the person designated to accept process or other legal notices.
- (3) Miscellaneous information. Any additional information the Commissioner shall deem necessary for the purpose of administering the provisions of this chapter or to assist in determining the applicant's fitness to engage in the business of transportation for hire.

- B. Examinations. At the discretion of the Commissioner, before the issuance of a license, the Commissioner may require the applicant, and any others having knowledge of any facts, to submit to an examination, under oath, and to produce evidence relating thereto.
- C. Modification. Any change in circumstance with regard to the information required hereinabove shall be reported in writing to the Commissioner within 30 days of occurrence.

§ 67-8. Additional license requirements for business owners.

Business owners are responsible for ensuring that they and their agents (employees and operators) take such training courses as may be prescribed, from time to time, by the State of New York, County of Suffolk and Town of Brookhaven specifically designed to educate and familiarize them with customary safety standards. Evidence of the satisfactory completion of such courses shall be kept on file at the taxicab company and made available for Commissioner's review pursuant to § 67-7A(1). Current license holders shall file with the Commissioner proof that they are regularly attending and/or have satisfactorily completed such courses.

§ 67-9. Business owner regulations.

The regulations set forth herein are mandatory and 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, generally. Owners must be in compliance with all requirements of this chapter, all ordinances, local laws, codes, laws, rules and regulations, including but not limited to those concerning vehicles, traffic and parking, of the Town of Brookhaven, County of Suffolk and State of New York. **[Amended 12-19-2019 by L.L. No. 24-2019, effective 12-31-2019]**
- B. Compliance, vehicles. Owners must specifically be in compliance with all vehicle regulations set forth in this chapter, as they may apply to owners. **[Amended 12-19-2019 by L.L. No. 24-2019, effective 12-31-2019]**
- C. Compliance, operators. Owners must specifically be in compliance with all vehicle operator regulations set forth in this chapter, as they may apply to owners. **[Amended 12-19-2019 by L.L. No. 24-2019, effective 12-31-2019]**
- D. Business changes. Owners must report in writing via registered or certified mail, return receipt requested, to the Commissioner, within seven days, any change of their business location or the name, address or telephone number of the person designated for process of legal service. **[Amended 12-19-2019 by L.L. No. 24-2019, effective 12-31-2019]**

- E. Business offices. Owners must maintain an authorized business office within the Town of Brookhaven.
- F. Fares. Owners must file with the Commissioner their schedule of fares to be charged.
- G. Identification devices. Owners must post any and all identification devices as required in this chapter and must report to the Commissioner, within 24 hours, the loss, theft, mutilation, marring or alteration of any such documents.
- H. Written logs. Owners must keep, maintain and constantly update all written logs prescribed in this chapter.
- I. Rooftop and trunk-mounted advertising signs not to exceed 14 inches in height by 48 inches in width.

§ 67-10. Prohibited activities by business owner.

The activities set forth herein are unlawful, are therefore prohibited and 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. Noncompliance, generally. Owners may not be in violation of any requirements of this chapter, as they may apply to owners.
- B. Noncompliance, vehicles. Owners may not specifically be in violation of any prohibited vehicle activities set forth in this chapter, as they may apply to owners.
- C. Noncompliance, operators. Owners may not specifically be in violation of any prohibited vehicle operator activities set forth in this chapter, as they may apply to owners.
- D. Attention-seeking devices. Owners, or any person on their behalf, may not use loudspeakers, noisemaking devices and/or any other attention-seeking devices upon any street, road, highway, alley, park or other public place within the Town for the purpose of attracting attention for solicitation of passengers or for any other purpose.
- E. Invalid documents. Owners may not allow the operation of their vehicles while their Town license or any appropriate New York State issued license is not in effect, has expired or has been suspended or revoked; and may not allow the operation of their vehicles by any operator whose Town permit or any appropriate New York State issued license is not in effect, has expired or has been suspended or revoked.
- F. Unauthorized licensees. Owners may not allow the use of their license by any unauthorized person.
- G. Unauthorized operators. Owners may not allow the operation of their vehicles by any unauthorized person.

ARTICLE III
Vehicle Requirements

§ 67-11. Certificate of operation required for each vehicle.

It shall be unlawful for any person to engage any vehicle in any taxicab business within the Town of Brookhaven without first having secured a certificate for each vehicle used in and by said business from the Commissioner.

§ 67-12. Certificate application; qualifications.

A. Application. Applications for a certificate or certificate renewal required herein shall be filed with the Commissioner, on a form supplied by the Commissioner. Said application shall be in the form of a sworn affidavit by the applicant stating that all of the information therein is true and accurate to the best of his or her knowledge and belief, including the information set forth hereinbelow:

(1) Vehicle information.

- (a) Copies of the current, valid title and New York State vehicle registration (indicating make, type, seating capacity, registration number, vehicle identification number and license plate number) for said vehicle.
- (b) The fleet number of the vehicle, if applicable.
- (c) Insurance requirements as set forth in § 67-29 herein.
- (d) A copy of the current, valid New York State inspection certificate of said vehicle.

[1] Each application shall be accompanied by the vehicle's New York State registration showing that the certificate of inspection, as provided for in New York State Vehicle and Traffic Law, has been issued for said vehicle.

[2] The certificate of inspection shall not, however, be conclusive against the Town but shall be evidence merely that the owner of the vehicle has had an inspection made as required by this chapter.

[3] Nothing herein shall prevent local police authorities from making further inspections of said vehicles at any time, and local police authorities are hereby given specific authority to make inspections whenever they are deemed to be necessary by the police for public health, safety and welfare.

(2) Business information.

- (a) A copy of the applicant's license or license application as filed with the Commissioner, including all information required to be included in said application.
 - (b) The name, address (local address and legal address, if different) and telephone number of the vehicle owner, if different than the business owner, and all information regarding said owner as if he or she were an applicant for a business owner's license.
- (3) Miscellaneous information. Any additional information the Commissioner shall deem necessary for the purpose of administering the provisions of this chapter or to assist in determining the vehicle's fitness to engage in the business of transportation for hire.
- B. Modification. Any change in circumstance with regard to the information required herein shall be reported in writing to the Commissioner within 30 days of occurrence.

§ 67-13. Town inspections of vehicles; compliance.

- A. Conformance. No certificate shall be issued or renewed unless and until the owner has certified to the Commissioner in a form approved by the Commissioner that said vehicle is in conformance with all the provisions of this chapter.
- B. Rules and regulations. The Commissioner may establish reasonable rules and regulations for vehicle inspections, including but not limited to inspections performed at anytime under the direction and supervision of or by any Town employee or official designated by the Town.
- C. Scheduled inspections. In the event that any vehicle is found to be in violation of any provisions of this chapter, pursuant to a scheduled inspection, the applicant shall be issued a warning summons, which shall state the violation and the corrective measures to be taken.
- D. Random inspections. In the event that any vehicle is found operating while in violation of any provisions of this chapter, pursuant to a random inspection, the driver shall be issued a warning summons, which shall state the violation, and the corrective measures to be taken.
- E. Compliance. Proof that the violations have been corrected or repaired shall be filed with the Commissioner within 48 hours of the issuance of a warning summons. If not, the Commissioner shall immediately disapprove the application or suspend the certificate of said vehicle and set the time and place for a revocation hearing, as prescribed in this chapter.
- F. Waiver of disapproval or suspension. Any certificate disapproved or suspended pursuant hereto, may be approved or reinstated after the

filing of a request for a waiver from the Commissioner, 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 in a timely manner and/or the Town Board revokes the certificate, a new application, Town inspection and fee shall be required.

§ 67-14. Additional certificate requirements.

Business owners are responsible for ensuring that all vehicles possessing certificates are outfitted with such equipment as may be prescribed, from time to time, by the State of New York, County of Suffolk and/or Town of Brookhaven. Evidence of the presence of such equipment in a vehicle shall be kept on file at the taxicab company and made available for review by the Commissioner pursuant to § 67-7A(1).

§ 67-15. Additional vehicles.

- A. Each owner licensed under this chapter who shall desire to add to the number of taxicabs he is then operating shall file with the Commissioner a written application, under oath, stating:
- (1) The name and address of the applicant.
 - (2) The applicant's owner's license number.
 - (3) Any facts which the applicant believes tend to prove that the public convenience and necessity require such an addition.
 - (4) A description of each additional taxicab, including the make; model; passenger seating capacity; year of manufacture; state registration number, and vehicle identification number.
- B. If the Commissioner shall find that the addition of such taxicab or taxicabs is required by the public convenience and necessity and that the applicant has complied with the requirements of § 67-24, then he shall issue a supplementary owner's license, stating the name and address of the applicant; the number of the license assigned to such vehicle; and the date of issuance thereof; and at the same time the Commissioner shall issue for each vehicle licensed pursuant to this section a license card bearing the words "Licensed Taxicab," an assigned number and the date of expiration of such license; otherwise the applicant shall be denied.
- C. In making the findings required by Subsection B, the Commissioner shall take into consideration the matters specified in §§ 67-12, 67-13 and 67-24.

§ 67-16. Vehicle regulations.

The regulations set forth herein are mandatory and 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, generally. Each vehicle must be in compliance with all requirements of this chapter, all ordinances, local laws, codes, laws, rules and regulations, including but not limited to those concerning vehicles, traffic and parking, of the Town of Brookhaven, County of Suffolk and State of New York.
- B. Compliance, owners. Each vehicle must specifically be in compliance with all business owner regulations set forth in this chapter, as they may apply to vehicles.
- C. Compliance, operators. Each vehicle must specifically be in compliance with all vehicle operator regulations set forth in this chapter, as they may apply to vehicles.
- D. Accident reports. All accidents involving any vehicle must be reported to the appropriate Police Department having jurisdiction thereof within 24 hours of the occurrence thereof.
- E. Identification devices. Each vehicle must have posted therein any and all identification devices required in this chapter.
- F. Inspections. Each vehicle and its equipment must be inspected at least once during each week, the results of which must be noted in the written log maintained for that vehicle, and must pass all Town, state and police inspections.
- G. Maintenance. Each vehicle must be kept clean, sanitary, fit, of good appearance and in a safe condition for the transportation of passengers, including repair of all malfunctions and/or damages and must comply with all alterations and/or additions that may be required.
- H. Omnibus plates. Each vehicle having a seating capacity for passengers of not more than seven, in addition to the driver, and equipped with handles or other devices which shall permit the door or doors to the passenger compartment to be readily opened from the interior of the vehicle must bear omnibus registration plates issued by the State of New York.
- I. Taxicab identification. Each vehicle used as a cab, as defined hereinabove, must be equipped with a permanent raised dome light affixed to the roof, with "taxi," "taxicab" or the business name imprinted thereon, and must have "taxi" or "taxicab" and the business telephone number permanently affixed to each side of the exterior, not less than four inches in height, and the business name and address must be permanently affixed to the lower portion of the front door, on each side of the exterior, not less than 1 1/4 inches in height.

§ 67-17. Prohibited activities involving vehicles.

The activities set forth herein are unlawful, are therefore prohibited and 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. Noncompliance, generally. Each vehicle may not be in violation of any requirement of this chapter, as they may apply to vehicles.
- B. Noncompliance, owners. Each vehicle may not specifically be in violation of any prohibited business owner activities, as they may apply to vehicles.
- C. Noncompliance, operators. Each vehicle may not specifically be in violation of any prohibited vehicle operator activities, as they may apply to vehicles.
- D. Attention-seeking devices. No vehicle may be operated with the use of loudspeakers, noisemaking devices and/or any other attention-seeking devices upon any street, road, highway, alley, park or other public place within the Town for the purpose of attracting attention for solicitation of passengers or for any other purpose.
- E. Invalid documents. No vehicle may be operated while its certificate of operation or any appropriate New York State issued registration or inspection certificate is not in effect, has expired or has been suspended or revoked.
- F. Liveries as taxis. No vehicle bearing private livery registration plates may be used as a taxicab within the Town of Brookhaven.
- G. Signs and/or displays. No vehicle may be operated with the use of signs and/or displays, except as required by Article V of this chapter.
- H. Trailers. No vehicle may be operated to transport passengers while a trailer or semi-trailer is attached or secured thereto.
- I. Temporary identification devices. No taxicab may be operated with the use of magnetic or removable raised domes and/or required identification markings on its exterior.

ARTICLE IV

Vehicle Operator Requirements**§ 67-18. Vehicle operators.**

Vehicle operators must at all time cooperate with owners and provide any and all informant to the owner required under § 67-7A. Said information shall be sworn or attested to by the operator. Said information as provided above shall be kept on file with the taxicab company and shall be made available to the Commissioner for review upon five days' written notice to the taxicab company pursuant to § 67-36 of this chapter.

§ 67-19. Training courses.

Vehicle operators are responsible for ensuring that they take such training courses as may be prescribed, from time to time, by the State of New York, County of Suffolk and/or Town of Brookhaven specifically designed to educate and familiarize them with customary safety standards. Evidence of satisfactory completion of such courses shall be filed with the taxicab company and shall be made available to the Commissioner for review upon five days' written notice to the taxicab company pursuant to § 67-36 of this chapter.

§ 67-20. Vehicle operator regulations.

The regulations set forth herein are mandatory and 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, generally. Operators must be in compliance with all requirements of this chapter, all ordinances, local laws and codes, laws, rules and regulations, including but not limited to those concerning vehicles, traffic and parking, of the Town of Brookhaven, County of Suffolk and State of New York. **[Amended 12-19-2019 by L.L. No. 24-2019, effective 12-31-2019]**
- B. Compliance, owners. Operators must specifically be in compliance with all owner regulations set forth in this chapter, as they may apply to operators. **[Amended 12-19-2019 by L.L. No. 24-2019, effective 12-31-2019]**
- C. Compliance, vehicles. Operators must specifically be in compliance with all vehicle regulations set forth in this chapter, as they may apply to operators. **[Amended 12-19-2019 by L.L. No. 24-2019, effective 12-31-2019]**
- D. Address changes. Operators must report in writing via registered or certified mail, return receipt requested, to the Commissioner, within seven days, any change of their residence. **[Amended 12-19-2019 by L.L. No. 24-2019, effective 12-31-2019]**

- E. Fares. Operators must charge fares to all passengers, except owners or the agents, employees or immediate family members of owners, and may not charge more than the rates fixed on the schedule of fares, nor any fare whatsoever if said schedule is not posted conspicuously within the interior of a vehicle so it may be viewed by all passengers.
- F. Identification devices. Operators must display their permit, as required in this chapter; must refuse to operate vehicles that do not have a certificate of operation and schedule of fares conspicuously posted and securely fastened on the interior of the vehicle; and must report to the Commissioner, within 26 hours, the loss, theft, mutilation, marring or alteration of any such documents.
- G. Lost property. Operators must 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.
- H. Multiple passengers. Operators must, after having accepted a person for transportation, refuse to accept any other passengers without the consent of the person first accepted for transportation.
- I. No-smoking request. Operators must, at the request of any passenger, enforce no smoking in their vehicles by all occupants, including the operator, during the presence of the passenger making said request.
- J. Operator conduct. Operators must transport any person(s) conducting him- or herself in an orderly manner upon request to do so, unless then under hire by another person or unless prohibited from doing so by any other provisions of this chapter.
- K. Passenger conduct. Operators must transport any person(s) conducting him- 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.
- L. Written logs. Operators must maintain and constantly update all written logs prescribed in this chapter.

§ 67-21. Prohibited activities by vehicle operators.

The activities set forth herein are unlawful, are therefore prohibited and are the responsibility of the operator while in possession of a vehicle and the owner as to themselves and their vehicles, operators and/or employees during all times and operations of the business:

- A. Noncompliance, generally. Operators may not be in violation of any requirements of this chapter, as they apply to operators.
- B. Noncompliance, owners. Operators may not specifically be in violation of any prohibited business owner activities, as they may apply to operators.

- C. Noncompliance, vehicles. Operators may not specifically be in violation of any prohibited vehicle activities, as they may apply to operators.
- D. Attention-seeking devices. Operators, or any person on their behalf, may not use loudspeakers, noisemaking devices and/or any other attention-seeking devices upon any street, road, highway, alley, park or other public place within the Town for the purpose of attracting attention for solicitation of passengers or for any other purpose.
- E. Cruising. Operators may not cruise public streets, roads and/or highways of the Town in search of passengers.
- F. Delays. Operators may not delay more than five minutes after first receiving a passenger and before proceeding to convey the passenger to his or her destination, unless the passenger so requests.
- G. Improper vehicle conditions. Operators must refuse to operate vehicles that are not clean, sanitary, fit, of good appearance and in a safe condition for the transportation of passengers, including all repairs, alterations and/or additions that may be required.
- H. Invalid documents. Operators may not operate any vehicle while their Town permits, chauffeurs' licenses or other appropriate New York State issued licenses are not in effect, have expired or have been suspended or revoked and must refuse to operate any vehicle for which the certificate of operation or business owner's license is not in effect, has expired or has been suspended or revoked.
- I. Overloading. Operators may not use a vehicle for transporting a greater number of passengers than the rated capacity of the vehicle.
- J. Parking. Operators may not park a vehicle upon public streets, roads or highways when not in actual operation, except in those areas designated for taxicab parking.
- K. Peddling. Operators may not peddle or allow the peddling of any goods or property from or near a vehicle.
- L. Unattended vehicles. Operators may not leave a vehicle unattended in any public place, except their depot or garage, or when necessary for the operator to be absent therefrom, but in no event for more than 30 consecutive minutes.
- M. Unauthorized operators. Operators may not allow any other person to use their permits.

ARTICLE V

Administrative Requirements**§ 67-22. Transfers unlawful.**

It is unlawful for any person to transfer or assign any license, certificate or permit, or the identification device therefor, issued under the provisions of this chapter, to any other person or from one vehicle to another.

§ 67-23. Expirations and renewals.

- A. Expirations. All licenses, certificates and permits issued hereunder shall expire at 12:00 midnight on the first day one year following the date of issuance.
- B. Renewals. Applications for renewal of all licenses, certificates and permits shall be made no earlier than 60 days prior to the expiration date thereof. An application for renewal of any license, certificate or permit made more than 30 days after the expiration date thereof shall be subject to an additional penalty fee, as set forth herein.

§ 67-24. Issuance, posting and contents of identification devices.

- A. Business owner's license.
 - (1) Issuance. Upon approval of an application, the Commissioner shall issue to the business owner a license bearing the title "Business License: Transportation For Hire."
 - (2) Posting. Owners, at all times, are responsible for keeping said license conspicuously posted and securely fastened at their business offices within the Town of Brookhaven, in a clear and readable manner.
 - (3) Contents. The license shall set forth the following information:
 - (a) The name and business address of the owner of the business so licensed.
 - (b) The signature and seal of the Commissioner imprinted thereon.
 - (c) A statement certifying that the person and/or business to whom such permit is issued is authorized to operate that business for the purpose of transporting passengers for hire.
 - (d) The dates of issuance and expiration of such license and the number thereof.
- B. Vehicle's certificate of operation.
 - (1) Issuance. Upon approval of an application, the Commissioner shall issue for each vehicle a certificate bearing the title: "Certificate of Operation: Transportation For Hire."

- (2) Posting. Owners, at all times, and operators, while in possession of a vehicle, are responsible for keeping said certificate conspicuously posted and securely fastened in the interior of said vehicle, in a clear and readable manner.
- (3) Contents. The certificate shall set forth the following information:
 - (a) The name and business address of the owner of the vehicle and the business which is certified to use said vehicle for the purpose of transporting passengers for hire.
 - (b) The name and business address of the certificate of operation holder, if different.
 - (c) The signature and seal of the Commissioner imprinted thereon.
 - (d) A statement certifying that the vehicle to which such certificate is issued is authorized to be used for the purpose of transporting passengers for hire by said business.
 - (e) A statement certifying that the business to which such certificate is issued is authorized to engage in the business of transporting passengers for hire.
 - (f) The dates of issuance and expiration of such certificate and the numbers thereof.
 - (g) The make, type, seating capacity, name of owner, New York State vehicle registration number, vehicle identification number, license plate number and fleet number, if applicable, of said vehicle.

§ 67-25. Filing, posting and contents of schedules of fares.

- A. Filing. Owners must file with the Commissioner a copy of the current, valid schedule of fares to be charged for the transportation of passengers for hire in their vehicles.
- B. Posting. Owners, at all times, and operators, while in possession of a vehicle, are responsible for keeping said schedule conspicuously posted and securely fastened in the interior of each vehicle, in a clear and readable manner.
- C. Contents. The schedule 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.
- 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 posted as required herein.

§ 67-26. Issuance, posting and contents of passenger regulations, rights and complaints.

- A. Issuance. Upon approval of an application for a certificate of operation, the Commissioner shall issue a placard for each vehicle bearing the title: "Passenger Regulations, Rights and Complaints."
- 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 of each vehicle, in a clear and readable manner.
- C. Contents. The placard shall set forth the activities by passengers that are prohibited, their rights and where to file complaints, as prescribed by this chapter.

§ 67-27. 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 charged for each engagement.
- B. Maintenance of trip logs. Owners, at all times, and operators, while in possession of a vehicle, are responsible for maintaining and immediately updating a written log of all trips for and in each vehicle, 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 charged for each engagement.
- C. Inspections. Such records must be kept for three years from the date the vehicle is taken out of service and must be available for inspection by the Town, upon request, at all times during said period.

§ 67-28. 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 street, road or highways, or on any public property, unless so prescribed by a contract or franchise agreement with the public entity owning said property.
- B. 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.

§ 67-29. Liability insurance; proof required.

- A. Business owners.

- (1) Filing. Owners shall, prior to issuance of their licenses and/or certificates of operation, file with the Commissioner memoranda of insurance for the business and each vehicle used therein.
 - (2) Contents. The memoranda shall set forth the following information:
 - (a) That the business and each vehicle licensed are insured against public liability in at least the minimum limits required by the laws of State of New York for personal injury and property damage, which insurance shall be maintained in force during the period covered by the license.
 - (b) That said insurance company shall provide the Town of Brookhaven with 30 days' prior written notice of cancellation.
 - (c) The name, local address and telephone number of the insurance agent.
 - (3) Cancellation. If said insurance is suspended or cancelled for any reason whatsoever, the business license and all certificates of operation for each vehicle 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 Commissioner.
- 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.

§ 67-30. Surrender of license, certificate or permit.

- A. Disapproval, suspension or revocation. Holders of licenses, certificates and/or permits issued pursuant to this chapter must surrender same to the Commissioner immediately upon demand after the disapproval, suspension or revocation thereof.
- B. Sales. Holders of licenses and/or certificates, issued pursuant to this chapter, must surrender same to the Commissioner immediately upon, and in no case later than seven days from, the sale or other disposition of a business or any vehicle.
- C. State actions. Holders of licenses, certificates and/or permits, issued pursuant to this chapter, must surrender same to the Commissioner immediately upon, and in no case later than seven days from, suspension or revocation by the State of New York of any relevant license, permit or registration.

§ 67-31. Sale or disposition of vehicle.

Each person licensed pursuant to this chapter shall, upon the sale or other disposition of a licensed taxicab or limousine, within 26 hours, notify the Commissioner of the sale or other disposition, surrender the license,

certificate and permit issued for the vehicle and submit proof that the license plates have been surrendered to the Department of Motor Vehicles.

ARTICLE VI
Passenger Requirements

§ 67-32. Prohibited activities by passengers.

The activities by passengers set forth herein are unlawful, are therefore prohibited and are the responsibility of the passenger while occupying, engaging or in any way using a vehicle for hire:

- A. Nonpayment. Passengers must pay the agreed or established fare, as indicated on the schedule of fares posted in the vehicle.
- B. Disorderly conduct. Passengers must conduct themselves in an orderly manner.
- C. Criminality. Passengers may not engage in criminal conduct of any kind whatsoever.
- D. Attention-seeking devices. Passengers may not use loudspeakers, noisemaking devices, signs, displays or other attention-seeking devices.
- E. Peddling. Passengers may not peddle any goods or property from the vehicle for hire.
- F. Improper use. Passengers may not solicit the use of a vehicle for hire in violation of Chapter 67 of the Code of the Town of Brookhaven, or for any purpose other than transportation for hire.

§ 67-33. Passengers' rights and complaints.

- A. Rights. Passengers in vehicles for hire are entitled to quiet, safe, orderly, timely, comfortable transportation, at a price stated on a schedule of fares, posted in the vehicle in a clear and readable manner.
- B. Complaints. Passengers who wish to file complaints regarding poor service, poor vehicle conditions, improper conduct or any other reason should do so by completing a complaint form obtained from the Commissioner of Public Safety or his designee and shall file with the Commissioner/designee the completed complaint form.

ARTICLE VII

Disapprovals, Suspensions, Revocations and Appeals**§ 67-34. Disapprovals.**

- A. Business owner's license. The Commissioner shall notify the applicant that his or her application is disapproved, and no license and/or permit will be issued, under the circumstances set forth herein:
- (1) Personal review. A determination by the Commissioner that the applicant lacks the character, experience or responsibility to engage in transportation for hire.
 - (2) Business review. A determination by the Commissioner 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 five years.
 - (3) Criminality, generally. Any conviction for a felony, misdemeanor and/or Town ordinance violation which, in the judgment of the Commissioner, renders the applicant or his or her operator unfit, undesirable or incapable of properly engaging in transportation for hire; or if fraud, misrepresentations or false statements are contained in the application.
 - (4) Criminality, charges. An indictment or formal charges with or for any crime.
 - (5) Criminality, evidence. A preponderance of evidence that the applicant or his or her operator has violated any provision of this or any other chapter of the Code of the Town of Brookhaven or any local law, ordinance, code, rule or regulation of Suffolk County, New York State, the Town of Brookhaven or any other municipality.
 - (6) Criminality, controlled substances. Any crime involving the manufacture, transportation, possession, sale or habitual use of amphetamines, narcotic drugs, formulations of amphetamines or derivatives of narcotic drugs.
 - (7) Criminality, minors. Any crime against or involving children.
 - (8) Criminality, vehicular. Any felony involving use of a vehicle by the applicant or his or her operator within the last three years; any crime involving operation of a vehicle while under the influence of alcohol, amphetamines, narcotic drugs, formulations of amphetamines or derivatives of narcotic drugs; or leaving the scene of an accident.
 - (9) Criminality. Any felony conviction within 10 years.

- B. Vehicle's certificate of operation. The Commissioner shall notify the applicant that his or her application is disapproved, and no certificate will be issued, under the circumstances set forth herein:
- (1) Noncompliance. Vehicles which do not comply with the requirements of the State of New York, County of Suffolk or Town of Brookhaven, including any of the following:
 - (a) Lack of a valid business owner's license from the Town of Brookhaven by applicant.
 - (b) Lack of equipment, markings and/or devices and placards required by this chapter.
 - (c) Lack of any repairs, alterations or additions as may be required by this chapter or any directive of the Commissioner.
 - (d) Lack of a written log or the improper maintenance, updating or availability for inspection of said written log, as required hereinabove, during the term of any previous certificate.
 - (e) Lack of proper reporting of any accident, as required hereinabove, using the term of any previous certificate.
 - (f) A determination by the Commissioner that the vehicle possesses an unacceptable business record based upon a review of the history of past complaints.
 - (g) More than three convictions for failure to post any and all devices and placards, as required by this chapter, against said vehicle, within five years.
 - (2) Inspection failure. Vehicles which do not comply with state and/or Town inspections as required hereinabove, including any of the following:
 - (a) Unclean, unfit, or poor appearance or in an unsafe condition for the transportation of passengers.
 - (b) Improper or incorrect vehicle identification, registration or license plate numbers.
 - (c) Inoperative headlights, taillights, parking lights, stop or brake lights, directional signals, roof lights or interior lights.
 - (d) A faulty suspension system as can be determined by nonmechanic inspector.
 - (e) Broken windows, windshield, rear view mirrors or side view mirrors.
 - (f) Inoperative windshield wipers or horn.

- (g) Faulty doors, door locks and door latches, or doors that do not allow occupants of the passenger compartment to readily open them from the interior of the vehicle.
 - (h) Badly worn tires, the treads of which do not meet minimum New York State Vehicle and Traffic Law requirements.
 - (i) A faulty exhaust system, evidenced by excessive noise, visible fumes or visible holes.
 - (j) A faulty fuel system evidenced by visible leak or strong fuel smell.
 - (k) Signs and/or displays not in conformance with this chapter.
 - (l) General neglect and/or disrepair of the chassis and/or body of the vehicle.
- (3) Criminal involvement. Vehicles for which there is evidence or information that it was used or involved in any of the criminal activities set forth herein:
- (a) Any felony.
 - (b) Any crime involving the manufacture, transportation, possession, sale or habitual use of amphetamines, narcotic drugs, formulations of amphetamines or derivatives of narcotic drugs.
 - (c) Operation of the vehicle while under the influence of alcohol, amphetamines, narcotic drugs, formulations of amphetamines or derivatives of narcotic drugs.
 - (d) Leaving the scene of an accident.
 - (e) Any crime against or involving children.
 - (f) Peddling of any goods or property from or near the vehicle.
 - (g) Any violation of any provision of this or any other chapter of the Town Code or any local law, ordinance, code, law, rule or regulation of Suffolk County or New York State.
 - (h) An indictment or formal charges with or for any crime or offense.

§ 67-35. Suspensions and revocations.

- A. Procedures. Any license, certificate or permit issued under this chapter shall be suspended by the Commissioner, as prescribed hereinbelow, and may be revoked, after a hearing by the Town Hearing Examiner, upon a determination that the holder thereof is undesirable or incapable of properly conducting transportation for hire or that the vehicle is undesirable or incapable of properly transporting passengers

for hire. Failure to comply with the provisions of this chapter shall be sufficient cause for the suspension and revocation of such licenses, certificates and permits.

- B. Regulations. The Commissioner shall suspend any license, certificate or permit and set the time and place for a revocation hearing, as prescribed in this chapter under the circumstances set forth herein:
- (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 hereinabove.
 - (2) Criminality. Conviction of any crime or misdemeanor which, in the judgment of the Town Hearing Examiner, renders the holder or vehicle unfit or undesirable.
 - (3) Deception. Fraud, misrepresentation or false statements contained in the application for license 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 five years.
- C. Surrender of license, certificate, and permit. It shall be unlawful for any person to refuse to surrender a license, certificate and permit issued pursuant to this chapter to the Commissioner upon demand, after the license, certificate, and permit has been suspended, revoked or expired.

§ 67-36. Notices, hearings and appeals.

- A. Notices. All notices shall be mailed, postage prepaid, certified mail, return receipt requested, to the applicant and/or license, certificate or permit holder at the last address filed by same with the Commissioner. In the event of suspension, which must be followed by a revocation hearing, notice shall be mailed, as prescribed herein, at least five days prior to the date set for the hearing.
- B. Disapprovals. Notice of disapproval shall be given in writing, setting forth the grounds of the complaint and the right to an appeal hearing before the Town Hearing Examiner. An application to the Town Hearing Examiner for appeal of disapproval shall be filed within 30 days thereof with the Commissioner and accompanied by the proper fee as set forth in § 67-39 herein.
- C. Suspensions. Notice of suspension shall be given in writing, shall take effect immediately upon issuance and shall set forth the grounds of the

complaint with notice of hearing for revocation as set forth hereinbelow.

- D. Revocations. Notice of hearing for revocation shall be included in a notice of suspension, as prescribed hereinabove, and shall be given in writing, setting forth the grounds of the complaint and the time and place of such revocation hearing before the Town Hearing Examiner. The Commissioner shall also require payment of the proper fee prior to the hearing.
- E. Hearings. The Town Hearing Examiner may, based on the criteria set forth in this chapter and after holding an appeal or revocation hearing, take the action he or she deems appropriate, as set forth herein:
 - (1) Reversal. The Town Hearing Examiner may reverse the disapproval or suspension, with or without conditions, and issue or reinstate said license, certificate or permit.
 - (2) Affirmation. The Town Hearing Examiner may affirm the disapproval or suspension and reject said application or revoke said license, certificate or permit.
- F. Decisions. The decision of the Town Hearing Examiner, after a hearing, shall be final, subject to review by a court of competent jurisdiction.
- G. Reapplication. A person whose license, certificate or permit has been revoked shall not be permitted to reapply for a period of at least one year from the date of revocation.

§ 67-37. Waivers; certificates of relief from civil disabilities.

- A. Waivers of disapproval or suspension. A certificate of operation which 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 Commissioner, after a determination by the Commissioner, 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 Commissioner that the crime would not endanger the health, safety and welfare of the residents of the Town of Brookhaven.

§ 67-38. Records.

The Commissioner shall keep a record of all applications, disapprovals, suspensions, revocations and complaints regarding licenses, certificates and permits, together with any reports in respect thereto, and shall forward

such information, in writing, to the Suffolk County Police Department, which is to be updated semi-annually.

ARTICLE VIII
Fees, Penalties and Miscellaneous Provisions

§ 67-39. Fees. [Amended 12-19-2019 by L.L. No. 27-2019, effective 12-31-2019]

- A. Fees as established by Town Board resolution shall be collected by the Commissioner at the time applications are presented.
- B. Late fees as established by Town Board resolution shall be collected by the Commissioner at the time applications are presented for renewal when said applications are made in excess of 30 days after the expiration date thereof.

§ 67-40. Penalties for offenses.

- A. Any person or persons, associations, corporations or entities committing an offense against this chapter or any section or provision thereof is guilty of a violation punishable by a fine as indicated hereinbelow or imprisonment for a period not to exceed 15 days, or by both fine and imprisonment, and each day's continued violation shall constitute a separate offense:
 - (1) First offense: not less than \$500.
 - (2) Second offense: not less than \$1,000.
 - (3) Third offense: not less than \$1,500, and additionally, in the case of vehicle operators, revocation of permit for a minimum of one year, after which reinstatement shall be based on a complete new application process, including fingerprints.
- B. In addition to any other remedy provided by law, the Town may bring an injunction proceeding to enforce this chapter.
- C. Notwithstanding conviction for a violation hereunder, and imposition of a fine and/or imprisonment therefor, any license, certificate or permit holder shall also be liable to suspension, revocation or future disapproval of any license, certificate or permit 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 provided for herein.

§ 67-41. Severability.

The provisions of this chapter are declared to be severable and if any section, sentence, clause or phrase of this chapter shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this chapter, but

they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the invalidity of any part.