

Chapter 180. Taxicabs and Vehicles for Hire

Article I. General Provisions

§ 180-1. Purpose.

It is the purpose and intent of this chapter to control and regulate the activities of taxicabs, limousines and any other vehicles for hire in the Town of Babylon. History has shown that there is a need for investigation and review of the past conduct of applicants 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.

§ 180-2. Word usage; 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. Definitions. The following definitions shall govern the interpretation of this chapter unless otherwise expressly defined herein:

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, roads and highways within the Town of Babylon.

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.

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 Babylon.

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.

TOWN

Includes all areas within the Town of Babylon 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 unincorporated areas of the Town of Babylon.

TRIP RECORD

A "trip record" is a document also known as a "trip sheet," carried by a taxicab driver, setting forth the origin and destination of each trip as well as other information required by the Commission.

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 unincorporated areas of the Town of Babylon.

WEAPON

A weapon is any firearm (as defined in the New York State Penal Law) for which a license has not been issued as provided in New York, electronic dartgun, gravity knife, switchblade knife, cane sword, billy, blackjack, bludgeon, metal knuckles, chukka stick, sandstick, slingshot, pilum ballistic knife, sand bag, sand club, wrist brace-type slingshot, shirken, kung fu star, dagger, dangerous knife, dirk, razor, stiletto, imitation pistol or any other instrument or thing, whether real or simulated, and capable of inflicting or threatening bodily harm, including but not limited to any other weapons, the possession of which is prohibited pursuant to the New York State Penal Law.

§ 180-3. 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 without the Town, through the Town, to a point beyond the Town.
[Amended 3-27-2001 by L.L. No. 4-2001]
- H. Vehicles for hire engaged in transportation upon a defined route under a franchise therefor from the Town of Babylon.
- I. Vehicles for hire engaged in transportation for funeral purposes.

Article II. Business Owner Requirements

§ 180-4. License required for business owner(s).

It shall be unlawful for any person to engage in the business of transportation for hire within the Town of Babylon without first having secured a license from the Town Clerk.

§ 180-5. License application; qualifications; examination.

- A. Application. Applications for a license or license renewal required herein shall be filed with the Town Clerk on a form supplied by the Town Clerk. Said application shall be in the form of a sworn affidavit by the applicant stating that all information is true and accurate to the best of his or her knowledge and belief, including the information set forth herein:
 - (1) Personal information.
 - (a) Name, address (local address and legal address, if different), telephone number and social security number, including maiden name where applicable.
 - (b) Place of residence (local address and legal address, if different) for the past five years, if different from above.
 - (c) Age, height, weight, eye color, hair color, place and date of birth and marital status.
 - (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. All violations of any traffic law, local law, ordinance or regulation of which the applicant has been convicted within 18 months prior to the date of the application and all crimes of which the applicant has ever been convicted, stating the name and location of the court in which and the date on which each such conviction was rendered and the sentence imposed therefore.
 - (e) An affidavit from a doctor licensed to practice medicine in the State of New York stating that said doctor has thoroughly examined the applicant within 30 days of the application, that said applicant demonstrates no affliction of any physical or mental disease or infirmity which might make him or her an unsafe or unsatisfactory license holder and no drug or alcohol dependency or use other than by prescription, together with the results of blood testing. If prescription medication, that the medication will not impair the ability to drive or operate a limousine or taxi.
 - (f) For identification purposes, whether the applicant is 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.
 - (g) Proof that the applicant can read and write the English language.

- (h) Minimum age for a taxi driver is 19 years and for a driver of any other vehicle for hire is 21 years.
 - (i) The number and date of issuance of the applicant's New York State driver's license of a proper class.
 - (j) Whether or not any driver's license of any class held by the applicant has ever been revoked or suspended by the State of New York or any other state and, if so, by what court or other authority, on what date and for what cause and, if suspended, the period of such suspension.
 - (k) The names and addresses of the applicant's employers during the last 10 years prior to his application.
 - (l) Any other relevant information which the Town Clerk may require.
 - (m) Proof that the applicant is the holder of a certificate of completion for the required hours of instruction in a defensive driving course from a school, facility or agency certified by the New York State Department of Motor Vehicles. The course must have been completed within six months prior to the date of application.
- (2) Business information.
- (a) The name, address and telephone number of the business located within the Town of Babylon.
 - (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 Town Clerk 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.
- (4) License conditions. In addition to any other federal, state or local laws:
- (a) A business owner shall not hold himself out for business to the public as for-hire service, which term shall include, but not be limited to, "livery," "car service," or "limousine," without applying for and obtaining a license issued by the Town of Babylon for that activity.
 - (b) A business owner shall be responsible for handling passenger complaints. Complaints about a base or an affiliated driver or vehicle that are licensed by the Town shall be filed with the Town Clerk.
 - (c) A business owner shall be responsible for overseeing the management of the base to ensure that base personnel or the operators of affiliated vehicles do not, within the area set forth in Subsection **A(4)(c)[3]**, engage in any of the following activities:
 - [1] Double-park, park on the sidewalk, park across a driveway, park by or at a fire hydrant or bus stop, or otherwise park, stop or stand in a manner that violates the

Vehicle and Traffic Laws of the State of New York.

- [2] Engage in mechanical maintenance or repair of any vehicle, except to make such emergency repairs as may be necessary to move a disabled vehicle. A dead battery or a flat tire is an example of a disabling condition.
 - [3] The base owner's responsibilities pursuant to Subsection **A(4)(c)[1]** and **[2]** shall extend to the public streets and sidewalks on either side of the street.
 - (d) A base owner shall maintain and enforce rules governing the conduct of affiliated drivers while performing their duty as for-hire vehicle drivers. Said rules shall be submitted in writing to the Town Clerk, and within seven days, exclusive of holidays and weekends, thereafter whenever said rules are updated or amended.
- B. Identification. Applicants shall also file the items set forth herein with said application unless specifically waived by the Town Clerk upon a showing of facts which, in the discretion of the Town Clerk, warrant the waiving of said requirements:
- (1) Fingerprints.
 - (a) Upon receipt of a sworn application for a license, a copy thereof and a fingerprint card shall be referred to the Town Public Safety Office for appropriate fingerprinting of said applicant, and such completed fingerprint card shall thereafter be forwarded by the Town Clerk to the New York State Division of Criminal Justice Services for a full search.
 - (b) The application shall be accompanied by an appropriate fee, the amount and payment instrument to be determined by the Town Clerk, pursuant to the requirements of and payable to the New York State Division of Criminal Justice Services, which amount shall be in addition to the processing fees stated herein, for such investigation of the applicant as is deemed necessary or advisable for the protection of the public good and welfare.
 - (c) The New York State Division of Criminal Justice Services shall return such criminal history record information as may exist in its files or a statement that no such relevant information exists, such record to be filed with the Town Clerk.
 - (d) Upon its return by the New York State Division of Criminal Justice Services to the Town Clerk, if the application is approved by the Town Clerk and upon payment of the prescribed license fee, the Town Clerk shall prepare and deliver to the applicant therefor the license required by this chapter.
 - (e) New fingerprints for each renewal period may be waived by the Town Clerk, unless the license issued under the provisions of this chapter has lapsed for a period of time in excess of one year.
 - (2) Photographs.
 - (a) Two identical photographs of the applicant shall be submitted, taken no longer than 60 days prior to submission of the application.
 - (b) Said photographs shall be two inches by two inches in size, showing both the head and shoulders of the applicant.
- C. Examination. At the discretion of the Town Clerk, before the issuance of a license, the Town Clerk 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.
- D. Modification. Any change in circumstance with regard to the information required hereinabove shall be reported to the Town Clerk within 30 days of occurrence.

§ 180-6. 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/or Town of Babylon specifically designed to educate and familiarize them with customary safety standards. Evidence of the satisfactory completion of such courses shall be filed with the Town Clerk with the license application. Current license holders shall file with the Town Clerk proof that they are regularly attending and/or have satisfactorily completed such courses.

§ 180-7. 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 and zoning of the Town of Babylon, County of Suffolk and State of New York. The Town will make every effort to secure a certificate of compliance with the zoning laws of the municipality of the principal place of business of the applicant.
- B. Compliance, vehicles. Owners must specifically be in compliance with all vehicle regulations set forth in this chapter as they may apply to owners.
- 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.
- D. Business changes. Owners must report to the Town Clerk, 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.
- E. Business offices. Owners must maintain a business office or reside within the Town of Babylon, but no business office may be located in and no vehicles governed by this chapter may be stored on any property zoned residential.
- F. Fares. Owners must file with the Town Clerk 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 Town Clerk, 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, including the number of hours worked per day of the driver.

§ 180-8. 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 to 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.
- H. A business owner shall not allow:
 - (1) A driver to solicit or pick up passengers by means other than prearrangement through a licensed business owner.
 - (2) A driver to pick up a passenger at an unauthorized taxi stand.
 - (3) A driver, while operating a for-hire vehicle, shall not have in his or her possession or in the vehicle a weapon as defined in § 180-2 of these rules or any other instrument which is intended to be used as a weapon.
 - (4) A driver to smoke in a for-hire vehicle.
 - (5) Mechanical maintenance or repair of any vehicle on public streets and sidewalks except to make such emergency repairs as may be necessary to move a disabled vehicle. A dead battery or flat tire is an example of a disabling condition.
 - (6) A driver to refuse to transport any person with a disability or any guide dog accompanying such person.
 - (7) A base owner to instruct, authorize or permit an affiliated driver to discriminate unlawfully against people with disabilities. Such discrimination includes, but is not limited to, refusing to serve people with disabilities, refusing to load and unload the mobility aids of people with disabilities and imposing any charge in addition to the authorized fare for the transportation of people with disabilities, service animals, wheelchairs or other mobility aids.

Article III. Vehicle Requirements

§ 180-9. Certificate of operation required for each vehicle.

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

§ 180-10. Certificate application; qualifications.

- A. Application. Applications for a certificate or certificate renewal required herein shall be filed with the Town Clerk on a form supplied by the Town Clerk. Said application shall be in the form of a sworn affidavit by the applicant stating that all of the information is true and accurate to the best of his or her knowledge and belief, including the information set forth herein:
 - (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) A copy of the current, valid New York State inspection certificate for 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 Town Clerk, 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 Town Clerk 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 to the Town Clerk within 30 days of occurrence.

§ 180-11. 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 Babylon. Evidence of the presence of such equipment in a vehicle shall be filed with the Town Clerk with the certificate application. Current certificate holders shall file with the Town Clerk proof of satisfactory installation of such equipment.

§ 180-12. 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 Babylon, 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 personal injury or damage greater than \$1,000 of any vehicle must be reported to the appropriate Police Department having jurisdiction thereof within seven days of the occurrence thereof, copy of report to Town Clerk in 10 days.
- 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 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. 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.

§ 180-13. 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 requirements 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 to 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 Babylon.
- G. Signs and/or displays. No vehicle may be operated with the use of signs and/or displays except as required by this chapter.
- H. Trailers. No vehicle may be operated to transport passengers while a trailer or semitrailer 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

§ 180-14. Permit required for vehicle operator(s).

It shall be unlawful for any person to operate a vehicle for the purpose of transportation for hire within the Town of Babylon without first having secured a permit from the Town Clerk.

§ 180-15. Permit application; qualifications; examination.

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

(1) Personal information.

- (a) Name, address (local address and legal address, if different), telephone number and social security number, including maiden name where applicable.
- (b) Place of residence (local address and legal address, if different) for the past five years if different from above.
- (c) Age, height, weight, eye color, hair color, place and date of birth.
- (d) Any suspension or revocation of any driver's license of any class held by the applicant, whether by the State of New York or any other state, and, if so, by what court or other authority, on what date and for what cause and, if suspended, the period of suspension.
- (e) 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.
- (f) A copy of the applicant's valid, applicable and appropriate New York State driver's license(s) clearly indicating the number and expiration date thereof, together with authorization for the Town to conduct an examination of the applicant's driving record.
- (g) An affidavit from a doctor licensed to practice medicine in the State of New York stating that said doctor has thoroughly examined the applicant within 30 days of the application, that said applicant demonstrates no affliction of any physical or mental disease or infirmity which might make him or her an unsafe or unsatisfactory permit holder and no drug or alcohol dependency or use other than by prescription, together with the results of blood testing. If prescription medication, that the medication will not impair the ability of the driver to operate a limo or taxi.
- (h) For identification purposes, whether the applicant is 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.
- (i) Proof that the applicant can read and write the English language.

(2) Business information.

- (a) The place of business and/or employment for the past five years, including the names and addresses thereof.
- (b) 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.

(3) Miscellaneous information. Any additional information the Town Clerk 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. Identification. Applicants shall also file the items set forth herein with said application:

(1) Fingerprints.

- (a) Upon receipt of a sworn application for a permit, a copy thereof and a fingerprint card shall be referred to the Town Public Safety Office for appropriate fingerprinting of said applicant, and such completed fingerprint card shall thereafter be forwarded by the Town Clerk to the New York State Division of Criminal Justice Services for a full search.

- (b) The application shall be accompanied by an appropriate fee, the amount and payment instrument to be determined by the Town Clerk, pursuant to the requirements of and payable to the New York State Division of Criminal Justice Services, which amount shall be in addition to the processing fees stated herein, for such investigation of the applicant as is deemed necessary or advisable for the protection of the public good and welfare.
 - (c) The New York State Division of Criminal Justice Services shall return such criminal history record information as may exist in its files or a statement that no such relevant information exists, such record to be filed with the Town Clerk.
 - (d) Upon its return by the New York State Division of Criminal Justice Services to the Town Clerk, if the application is approved by the Town Clerk and upon payment of the prescribed permit fee, the Town Clerk shall prepare and deliver to the applicant therefor the permit required by this chapter.
 - (e) New fingerprints for each renewal period may be waived by the Town Clerk unless the permit issued under the provisions of this chapter has lapsed for a period of time in excess of one year.
- (2) Photographs.
- (a) Two identical photographs of the applicant shall be submitted, taken no longer than 60 days prior to submission of the application.
 - (b) Said photographs shall be two inches by two inches in size, showing both the head and shoulders of the applicant.
- C. Examination. At the discretion of the Town Clerk, before issuance of a permit required by this chapter, the Town Clerk may require the applicant and any others having knowledge of the facts to submit to an examination, under oath, and to produce evidence relating thereto.
- D. Modification. Any change in circumstance with regard to the information required hereinabove shall be reported within 30 days of occurrence.

§ 180-16. Additional permit requirements for vehicle operators.

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 Babylon specifically designed to educate and familiarize them with customary safety standards. Evidence of satisfactory completion of such courses shall be filed with the Town Clerk with the permit application. Current permit holders shall file with the Town Clerk proof that they are regularly attending and/or have satisfactorily completed such courses.

§ 180-17. 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 Babylon, County of Suffolk and State of New York.
- B. Compliance, owners. Operators must specifically be in compliance with all owner regulations set forth in this chapter as they may apply to operators.
- C. Compliance, vehicles. Operators must specifically be in compliance with all vehicle regulations set forth in this chapter as they may apply to operators.

- D. Address changes. Operators must report to the Town Clerk, within seven days, any change of their residence.
- E. Fares. Operators may charge fares to all passengers and may not charge more than the rates fixed on the schedule of fares on file in the office of the Town Clerk 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 Town Clerk, within 24 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 requests. 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 conduct themselves in an orderly manner while operating a vehicle for hire.
- 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.

§ 180-18. 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 of 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 to 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. Peddling. Operators may not peddle or allow the peddling of any goods or property from or near a vehicle.
- K. 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.
- L. Unauthorized operators. Operators may not allow any other person to use their permits.

Article V. Administrative Requirements

§ 180-19. 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.

§ 180-20. Expirations and renewals.

- A. Expirations. All licenses, certificates and permits issued hereunder shall expire at 12:00 midnight one year from the date of issuance.
- B. Renewals. Applications for renewal of all licenses, certificates and permits shall be made no earlier than 30 days prior to the expiration date thereof and no more than 10 days prior to the expiration date thereof. An application for renewal of any license, certificate or permit made less than 10 days before the expiration date thereof shall be subject to an additional penalty fee as set forth herein.

§ 180-21. Issuance and posting of identification devices; contents.

- A. Business owner's license.
 - (1) Issuance. Upon approval of an application, the Town Clerk 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 Babylon 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 Town Clerk 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 Town Clerk 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 Town Clerk 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.
- C. Vehicle operator's permit.
 - (1) Issuance. Upon approval of an application, the Town Clerk shall issue to the vehicle operator a permit bearing the title "Operator Permit: Transportation For Hire."
 - (2) Posting. Operators at all times are responsible for keeping said permit conspicuously posted and securely fastened in the interior of a vehicle while in possession thereof, in a clear and readable manner.
 - (3) Contents. The permit shall set forth the following information:
 - (a) The name of the permit holder.
 - (b) The signature and seal of the Town Clerk imprinted thereon.
 - (c) A statement certifying that the operator to which such permit is issued is authorized to operate a motor vehicle for the purpose of transporting passengers.
 - (d) The dates of issuance and expiration of such permit and the number thereof.

§ 180-22. Filing and posting of schedules of fares; contents.

- A. Filing. Owners must file with the Town Clerk a copy of the current, valid schedule of fares to be charged for the transportation of passengers for hire in their vehicles, including refund and cancellation policy.
- 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 on file in the office of the Town Clerk, and no fare may be charged whatsoever if said schedule is not posted as required herein.

§ 180-23. Issuance and posting of passenger regulations, rights and complaints; contents.

A. Issuance. Upon approval of an application for a certificate of operation, the Town Clerk 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.

§ 180-24. 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, including the name of the driver.

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, including the name of the driver.

C. Inspections. Such records must be kept for six years from the date of the transactions and must be available for inspection by the Town, upon request, at all times during said period.

§ 180-25. 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 highway 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.

§ 180-26. 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 Town Clerk memoranda of insurance for the business and each vehicle used therein and workers compensation insurance.
 - (2) Contents. The memoranda shall set forth the following information:
 - (a) That the business and each vehicle is insured against public liability in the minimum amounts of \$100,000 for injuries, including wrongful death to any person, \$300,000 to cover any accident involving more than one person and property damage insurance in an amount not less than \$10,000.
[Amended 3-27-2001 by L.L. No. 4-2001]
 - (b) Each applicant shall, before the issuance to him of a license under this chapter or any renewal thereof, file with the Town Clerk a certificate of insurance that the applicant and each motor vehicle is insured against public liability in the amounts set forth in Subsection **A(2)(a)** above for personal injury and property damage, which insurance shall be maintained in force during the period covered by the license. Such certificate and insurance policy shall provide that the Town of Babylon shall be given 30 days' prior written notice of cancellation. Such policy shall not be canceled or suspended either by the insured or the insurer unless at least 30 days' notice, in writing, of the intention to cancel.
[Amended 3-27-2001 by L.L. No. 4-2001]
 - (c) That said insurance company shall provide the Town of Babylon with 30 days' prior written notice of cancellation.
 - (d) The name, local address and telephone number of the insurance agent.
 - (3) Cancellation. If said insurance is suspended or canceled 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 Town Clerk.
- B. Vehicle operator. Operators while in possession of a vehicle are responsible for having the valid, current insurance card for said vehicle issued to the business and/or vehicle owner with them at all times.

§ 180-27. 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 Town Clerk 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 Town Clerk 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 Town Clerk 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.

Article VI. Passenger Requirements

§ 180-28. 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 established fare as indicated on the schedule of fares posted in the vehicle or such lesser amount agreed to by the owner.

- 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 **180** of the Code of the Town of Babylon or for any purpose other than transportation for hire.
- G. Gratuity. Nothing contained herein shall be construed to require or prohibit the payment of a gratuity to the operator.

§ 180-29. Passengers' rights; 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 at the Office of the Town Clerk.

Article VII. Denials, Suspensions, Revocations and Appeals

§ 180-30. Denials.

- A. Business owner's license and/or vehicle operator's permit. The Town Clerk shall notify the applicant that his or her application is denied, and no license and/or permit will be issued under the circumstances set forth herein:
 - (1) Personal review. A determination by the Town Clerk that the applicant lacks the character, experience or responsibility to engage in transportation for hire.
 - (2) Business review. A determination by the Town Clerk 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 Town Clerk, renders the applicant 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 has violated any provision of this or any other chapter of the Code of the Town of Babylon or any local law, ordinance, code, rule or regulation of Suffolk County, New York State, the Town of Babylon 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 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.
- B. Vehicle's certificate of operation. The Town Clerk 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 Babylon, including any of the following:
 - (a) Lack of a valid business owner's license from the Town of Babylon 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 Town Clerk.
 - (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, during the term of any previous certificate.
 - (f) A determination by the Town Clerk 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) Noncompliance of vehicle. Vehicles which do not comply with state and/or Town requirements, including any of the following:
 - (a) Unclean, unfit, of 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 a 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) 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.
- (4) Review of denials. Any applicant who shall have been denied a license under this chapter may apply to the Town Board for a review of the action of the Town Clerk as hereinafter provided:
- (a) Such application to the Town Board shall be in writing, signed and acknowledged by the applicant and shall state the ground or grounds on which the applicant claims that the determination of the Town Clerk was erroneous. The application for review shall be filed by delivery to the Town Attorney by certified mail or in person.
 - (b) Such application shall be filed within 20 days after notice of denial of his application by the Town Clerk has been mailed to him or delivered to him in person.
 - (c) Upon the filing of such application, the Town Board shall hold a hearing thereon pursuant to the provisions of this section. Such hearing shall be held within 90 days after the filing of an application therefore.
 - (d) At such hearing, the Town Board shall consider the applicant's application upon the record before the Town Clerk and, in its discretion, may receive new or additional evidence in support thereof or in opposition thereto.

§ 180-31. Suspensions and revocations.

- A. Procedures. Any license, certificate or permit issued under this chapter shall be suspended by the Town Clerk, as prescribed hereinbelow, and may be revoked after a hearing by the Town Board 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 Town Clerk 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 Board, 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 posting. More than three convictions for failure to post any and all identification devices and placards, as required by this chapter, within five years.

- (6) Temporary suspension. The Town Clerk, upon receiving information giving him reasonable cause to believe that the holder of any license issued hereunder has violated any provision of this chapter or has been indicted or formally charged with or for any crime or offense or is guilty of having made a false statement of misrepresentation in his application, may forthwith temporarily suspend such license for a period of 21 days or until a hearing can be held by the Town Board as provided herein, whichever is sooner.
- (7) Substance abuse. If the Town Clerk has reasonable suspicion to believe that a driver has a drug or controlled substances impairment that renders him unfit for the safe operation of a for-hire vehicle, he may direct the driver to be tested or examined for such impairment, at such driver's expense, by an individual or entity designated by the Town and possessing a requisite permit issued by the New York State Department of Health. If the results of said test(s) or examination(s) are positive, the driver's license may be revoked after a hearing. Failure of a driver to be tested or examined as directed may lead to suspension or revocation of such license in accordance with this chapter. A driver shall not operate a for-hire vehicle while his driving ability is impaired by either intoxicating liquor (regardless of its alcoholic content), drugs or other controlled substances, nor while driving such for-hire vehicle or for six hours prior to driving or occupying such for-hire vehicle shall he consume any intoxicating liquor regardless of its alcoholic content or any drugs or other controlled substances.

§ 180-32. 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 Town Clerk. 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. Denials. Notice of denial shall be given in writing setting forth the grounds of the complaint and the right to an appeal hearing before the Town Board. An application to the Town Board for appeal of a denial shall be filed with the Town Clerk and accompanied by the proper fee.
- 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 Board. The Town Clerk shall also require payment of the proper fee prior to the hearing.
- E. Hearings. The Town Board may, based on the criteria set forth in this chapter and after holding an appeal or revocation hearing, take the action they deem appropriate as set forth herein:
 - (1) Reversal. The Town Board may reverse the disapproval or suspension, with or without conditions, and issue or reinstate said license, certificate or permit.
 - (2) Affirmation. The Town Board may affirm the disapproval or suspension and reject said application or revoke said license, certificate or permit.
- F. Decisions. The decision of the Town Board, 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 the revocation.

§ 180-33. 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 Town Clerk after a determination by the Town Clerk, with advice of the appropriate Police Department, that said vehicle's involvement in the crime was not the liability of the business and/or vehicle owner.

- B. Certificate of relief from civil disabilities. Anyone convicted of a crime described hereinabove who has received a certificate of relief from civil disabilities regarding said conviction, issued by a court of competent jurisdiction, will not be subject to disapproval, suspension or revocation based on said conviction after a review and determination by the Town Clerk that the crime would not endanger the health, safety and welfare of the residents of the Town of Babylon.

§ 180-34. Records.

The Town Clerk 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 on a weekly basis.

Article VIII. Fees, Penalties and Miscellaneous Provisions

§ 180-35. Fees.

- A. Regular fees. The following fees, set by Town Board resolution, shall be collected by the Town Clerk at the time applications are presented for issuance, replacement, substitution, processing, waiver or hearing:
- (1) For a business owner's license.
 - (2) For a certificate of operation for each motor vehicle.
 - (3) For a vehicle operator's permit.
 - (4) For processing by the Town of fingerprints, when applicable, in addition to the New York State Division of Criminal Justice Services fee.
 - (5) For a waiver of disapproval, suspension or revocation.
 - (6) For a revocation hearing.
 - (7) For an appeal of disapproval or suspension hearing.
- B. Late fees. The following additional fees shall be set by Town Board resolution and collected by the Town Clerk at the time applications are presented for renewal when said applications are made less than 10 days before the expiration date thereof.
- (1) For a business owner's license.
 - (2) For a certificate of operation for each motor vehicle.
 - (3) For a vehicle operator's permit.
- C. Refunds. Fees shall not be refunded in the event that an application is denied.
- D. Reductions. There shall be no reduction in fees for licenses, certificates or permits issued for a fractional part of a year.

§ 180-36. Penalties for violations.

[Amended 4-27-2022 by L.L. No. 10-2022]

- A. Any person or persons, associations, corporations or entities that violate this chapter or any section or provision thereof are guilty of an offense 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 \$250 nor more than \$2,500.
 - (2) Second offense committed within five years of the first offense: not less than \$500 nor more than \$5,000.
 - (3) Third or subsequent offense committed within five years of the first offense: not less than \$1,000 nor more than \$10,000 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. Any person or entity found by the Bureau of Administrative Adjudication to have violated this chapter is likewise subject to a monetary penalty in an amount within the range of fines authorized in Subsection **A** for a first offense and subsequent offenses, and is likewise subject to permit revocation after a third violation as set forth therein, whether adjudicated in a criminal proceeding or in a proceeding before the Bureau of Administrative Adjudication.
- C. In addition to any other remedy provided by law, the Town may bring an injunction proceeding to enforce this chapter.
- D. Notwithstanding conviction for a violation hereunder and imposition of a fine and/or imprisonment therefor or any liability finding by the Bureau of Administrative Adjudication, 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 any 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 shall be controlling to effectuate any disapproval, suspension or revocation provided for herein.

§ 180-37. 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.

§ 180-38. Reciprocity.

The Town Clerk may issue a driver's or owner's license without the application required under this chapter to any person who shall submit a certified copy of a license issued by any municipality other than the Town of Babylon whose licensing requirements are substantially the equivalent of those established by this chapter if such municipality extends similar reciprocity to licensees of the Town of Babylon. In such a case, the location of business offices, as required by this chapter, may be located in such other municipality. When another licensing municipality shall require operators licensed under this chapter to obtain an additional license for prearranged pickups within its borders, any operator licensed by such municipality who makes any prearranged pickups within the borders of the Town of Babylon shall be required to obtain a prearranged trip license.