

AGENDA
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
Tuesday, April 21, 2020
7:00 PM
<https://zoom.us/j/94260529359>

Environmental Committee: Karen White, Chair
Robert O'Brien
Renée Sutton
Dan Unrath

1. CSC Grant Projects

In December, the City was awarded a 2019 Smart Communities Grant Program Grant to complete a Government Operations Greenhouse Gas Inventory, Community Greenhouse Gas Inventory, Natural Resources Inventory, and Climate Vulnerability Assessment. The total cost of these assessments was quoted at \$55,875, of which the City would be responsible for a 50% match (\$27,937.50) per the terms of the grant application. Due to the financial impact that the response to COVID-19 will have on the City's finances, the City Council voted to table a resolution appropriating funding for this project. Given the circumstances, the New York State Department of Environmental Conservation will permit the City to submit a work plan that involves the work commencing within the next two years and concluding no later than March 2025. City Staff recommends this course of action. This item was added to the agenda for further discussion.

2. Adjusting the Hours at Kershaw Park

Under normal circumstances, the beach at Kershaw Park begins Memorial Day Weekend. Beach hours from 11:00 AM-7:00 PM daily until July 1st. After July 1st, hours expand to 10:00 AM-9:00 PM daily through Labor Day when the season ends. With the current pandemic and the Governor extending his "PAUSE" initiative to May 15th, it's likely that the COVID-19 pandemic will impact Bathhouse and beach operations. In addition, it is not known if there will be any new regulations from the New York State Department of Health. Notwithstanding the above, given the anticipated financial impact that the response to COVID-19 will have on the City's finances, one suggestion to reduce expenditures is the reduction of hours of the beach. This item has been added to the agenda for further discussion at the request of Councilmember Unrath.

3. Kershaw Concessions Contract

At its March 5th meeting, City Council awarded a contract for concessions at Kershaw Park to Woodard Rentals LLC to provide the food service concession at Kershaw Park with a lease amount of \$1,288 with the option to renew this license for two successive beach seasons. With the current pandemic and the uncertainty around when social distancing guidelines will be lifted, it is difficult to know if/when the bathhouse and beach will be open to the public. Further, as discussed above the hours of operation maybe reduced at the bathhouse and beach. It has been suggested that the lease should also be reviewed for a potential reduction of the rent. This item has been added to the agenda for further discussion at the request of Councilmember Unrath.

4. City of Canandaigua 4th of July Festivities

Due to the financial impact that the response to COVID-19 will have on the City's finances, the difficult decisions will need to be made to control expenditures. One suggestion for discussion are the cancellation of July 4th festivities not only for the financial cost of the events, but also the unknown as to if gatherings will be permitted again and if so of that size. The City spends approximately \$35,000 annually on the 4th of July. This item has been added to the agenda for further discussion at the request of Councilmember Unrath.

Ordinance Committee: Renée Sutton, Chair
Robert O'Brien
Karen White
Erich Dittmar

1. Snow Removal Fee

At the February 18th Environmental Committee meeting, there was a discussion about concerns raised by residents regarding the City's Snow Removal Ordinance. Currently, the fee for snow removal is \$80. Now that the City proactively enforces the ordinance and can identify multiple violations at the same time, however, concerns have been raised that the \$80 fee is excessive and should be adjusted. The current ordinance assesses the fee based on a calculation that includes a minimum 1 hour of labor, and Council requested that Staff revise the existing ordinance to assess the fee based on a minimum of 30 minutes of labor to what that fee would be. It should be noted that the ordinance also provides for the ability to issue violations in addition to the fee which have not been issued

2. Taxi Cab Licensing

Currently, the City of Canandaigua requires taxi companies and operators to be licensed (Chapter 618 of City Code). City Staff is requesting that this requirement be reviewed by City Council as licensing taxis maybe unnecessary. There is very little "taxi" activity in the City, with most companies focusing on medical transport which has its own regulations and safety standards for licensing. In addition, the emergence of Uber and Lyft, who are licensed by New York State, have a strong presence in the City and provide the same services as a taxi. Considering the minimal number of licenses issued, the strength of alternative options, and the potential liability the City takes on by licensing taxis, City Staff believes that licensing taxis only creates superfluous work for the Clerk's Office. This item has been added to the agenda for further discussion.

Next Meeting: Tuesday, May 19, 2020

Chapter 600. Streets and Sidewalks

§ 600-12. Snow and ice removal.

[Added 5-6-2004 by Ord. No. 2004-005]

- A. Purpose. The purpose of this section shall be to preserve the public peace and good order in the City and to contribute to the public welfare, safety and good order of its people and to contribute to the safe conveyance of its people over the streets and sidewalks of the City by establishing certain regulations for the removal of snow and ice from the streets and sidewalks of the City that are consistent with the rights and privileges of other residents of the City.
- B. Duty of property owner and occupant. It shall be the duty of the owner and occupant, jointly, of every parcel of real estate adjoining a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks adjoining such property free from snow and ice for the full paved width of such sidewalk.
- C. Time limit. Snow and ice shall be removed within 24 hours after the end of a snowfall. In addition, sidewalks in front of commercial establishments and commercial parking lots shall be kept free of snow and ice at all times between the hours of 9:00 a.m. and 5:00 p.m.
- D. Severe icing. In case snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, it shall, within the time specified in Subsection C, be strewn and kept strewn with ashes, sand, or other suitable material, so as to be no longer dangerous to life and limb. As soon as practical thereafter, the sidewalk shall be completely cleared of snow, ice and other materials strewn thereon, as provided in this section.
- E. Removal by City. Whenever the owner or occupant of a parcel of real estate adjoining a public sidewalk fails to remove the snow and ice from such sidewalk adjoining such property within the time specified in this section or within 24 hours after notice by the Director of Public Works to remove same, the Director of Public Works, may, in his discretion, cause said snow or ice to be removed from such sidewalk and notify the City Clerk/Treasurer of the expense incurred by the amount of labor, equipment, materials used as well as administrative overhead. The charge shall be not less than the equivalent of one hour's cost.
- F. Collection of costs for removal by City. The City Clerk/Treasurer shall promptly present to the owner or occupant of each parcel a bill for the removal of snow and ice as certified by the Director of Public Works. If not paid within 30 days, the cost thereof shall be assessed against the property added to their tax bill and become a lien thereon, collectible in the same manner as delinquent City taxes.
- G. Snow, ice and water falling from buildings. The owners or occupants of buildings adjacent to public sidewalks shall take measures to protect the public from the falling snow, ice or water from such buildings.
- H. Placing of snow and ice on another's property. No person, firm, corporation, property owner or occupant shall remove snow or ice from any parcel of real estate and place it upon another parcel of real estate without the express permission of the owner of the parcel of real estate upon which the snow or ice is to be placed.^[1]
[1] Editor's Note: Original Subsection I, Penalties for offenses, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See § 600-26.
- I. Tort liability. Such owner or occupant and each of them, shall be liable for any injury or damage by reason of omission, failure or negligence to keep such sidewalks adjoining such property free from snow and ice.

City of Canandaigua
 Average cost for Snow Violation

Snowblower and Truck or Bobcat		15.00	1	15.00
Park Personnel Average Hrly Rate		24.05	1	24.05
Benefit Rate	Medical			
	/Dental	24.75%	56.78%	13.66
	FICA	7.65%		
	Retirement	19.80%		
	W/C	4.58%		
	GASB 45			
Admin fee		30.00		30.00
Estimated Average Fee				82.71

Recommended Rate for Snow Violation

Minimum Charge for 1 Hour \$ 80.00

After one hour charge, calculation will be based on 1/2 hour increments times minimum charge.

Input times below to see what the billing will be.

Chapter 618. Taxicabs

§ 618-1. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following words and terms shall have the following meanings:

PERSON

Includes one or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, societies, and all other entities of any kind capable of being sued.

STREET

Includes any public street, highway, road, avenue, alley or place.

TAXICAB

Includes any motor vehicle engaged in the business of carrying persons for hire whether the same be operated from a street stand or subject to calls from a garage, or otherwise operated for hire, except ambulances, vehicles subject to the provisions of the Transportation Corporations Law or used by undertakers in carrying on their business.

TAXICAB DRIVER

Any person who drives a taxicab, whether such person be the owner of such taxicab or employed by a taxicab owner or operator.

TAXICAB LICENSE

Includes permission granted by the City of Canandaigua to any person to operate or keep for hire any taxicab in such City.

TAXICAB OWNER

Includes any person, firm, association or corporation who or which as owner of any motor vehicle causes or permits the same to be used as a taxicab.

TAXICAB STAND

Includes any place alongside the curb of a street or elsewhere which is exclusively reserved by the Director of Public Safety for the use of taxicabs.

[1] *Editor's Note: The "Editor's Note to Chapter 2.40," which immediately preceded this section, was repealed 2-1-2007 by Ord. No. 2007-005.*

§ 618-2. Licensing procedures.

[Amended 3-28-1985; 10-24-1985; 7-1-1999 by Ord. No. 99-001]

No person shall drive a taxicab or permit any other person to drive a taxicab upon any street within the City without such driver having obtained and having in force and effect a taxicab driver's license issued under the provisions of this chapter.

A. Taxicab driver's license application. Each applicant for a taxicab driver's license must comply with the following requirements to the satisfaction of the Director of Public Safety or his designee prior to the issuance of a license:

[Amended 2-1-2007 by Ord. No. 2007-005]

(1) Chauffeur license. Be a duly licensed chauffeur authorized to operate a vehicle in the State of New York pursuant to the Vehicle and Traffic Law.

- (2) Age. Be 18 years old or over.
- (3) Physical condition. Be of sound mind and body and not subject to epilepsy, vertigo, heart disease, or any other infirmity of mind or body which might render the applicant incapable or unfit to safely operate a taxicab for hire.
- (4) Criminal record. Each applicant for a driver's license must not have been convicted of:
[Amended 2-1-2007 by Ord. No. 2007-005]
 - (a) Any felony involving violence;
 - (b) Driving while ability impaired or under the influence of alcohol, or illegal use or possession of drugs within the past 15 years;
 - (c) Any offense or crime involving dishonesty within the past 10 years;
 - (d) Any other felony within the past five years;
 - (e) Any other misdemeanor within the past three years;
 - (f) Any other offense or violation, within the past one year, provided that the City Manager may, upon good cause shown, relieve an applicant from the disability listed in this Subsection **A(4)(f)**, but under no circumstances from a disability resulting from a conviction for any offense or crime listed in Subsection **A(4)(a), (b), (c), (d) or (e)** above.
- (5) Personal history statement. Shall complete, sign and file a sworn statement on such form or forms as shall be required by the Director of Public Safety, showing compliance with the requirements hereinabove set forth and such other information as shall be deemed necessary and reasonable by the Director of Public Safety in the interest of the public safety, health and welfare. Such additional information that may be required by the Director of Public Safety shall include, but not be limited to a statement giving the full name and place of residence of the applicant for five years prior to moving to the present address of the applicant, the applicant's age, height, color of eyes and hair, place of birth, whether or not the applicant is a citizen of the United States, whether married or single, places of previous employment for the last five years, whether the applicant has ever been arrested or convicted for commission of a felony or misdemeanor, whether he has been previously licensed as a driver or a chauffeur and if so, whether his license has been revoked and for what cause and the number of the chauffeur's license issued by the state and such statement shall be signed and sworn to by the applicant and filed with the Director of Public Safety. Any false statement by the applicant for a driver's license shall be promptly reported by the Director of Public Safety to the District Attorney of Ontario County. The Director of Public Safety is hereby authorized and empowered to require such additional information as he may deem necessary for the administration of this chapter.
- (6) Investigation. After receipt of an application, the Director of Public Safety shall institute an investigation of the applicant. A background check will be performed by the City of Canandaigua Police Department and Ontario County Sheriff's Department. Each applicant for taxicab driver's license shall furnish with such application at least two unmounted photographs of the applicant two inches by three inches in dimension which shall be a recent photograph and a substantial likeness. When the application form has been completed, the applicant shall submit himself to the City of Canandaigua Police Department to be fingerprinted. A copy of such fingerprints shall be forwarded to the New York State Division of Criminal Justice Services requesting a fingerprint search. The City shall secure from the applicant the required fee in the form of a check or money order made payable, as required, to the "New York State Division of Criminal Justice Services" in the amount of \$12 to be forwarded with such prints. No license shall be issued under the provisions of this chapter until the Director of Public Safety has indicated, in writing, his approval thereof after such investigation has been completed.
[Amended 2-1-2007 by Ord. No. 2007-005]
- (7) Examination by Director. Each applicant for a taxicab driver's license may be examined by the Director of Public Safety or some person designated by the said Director as to the applicant's knowledge of the provisions of this chapter, the traffic regulations of the City, the vehicle and traffic laws of the state and the geography of the City.
[Amended 2-1-2007 by Ord. No. 2007-005]

(8) Medical examination. A medical examination form must be completed by a licensed physician and submitted with each application.
[Amended 2-1-2007 by Ord. No. 2007-005]

B. Refusal of license. If the results of any of the examinations are unsatisfactory in the opinion of the Director of Public Safety, the applicant shall be refused a license. Such refusal by the Director of Public Safety shall be subject to review by the City Council of the City of Canandaigua.

C. Issuance of taxi driver's license.
[Amended 2-1-2007 by Ord. No. 2007-005]

(1) Form and period of license. Upon the approval by the Director of Public Safety for the taxicab driver's license in accordance with the foregoing procedures, the Director is authorized to issue a taxi driver's license to the applicant. The license shall be in a form to be prescribed by the Director of Public Safety. Such license shall be rendered invalid if defaced, altered or obliterated in any way, or if any entry is made thereon by other than the Director of Public Safety or person duly authorized and designated by him. Such license shall be for a period to expire on the 31st day of December of the calendar year for which issued unless sooner suspended or revoked.

(2) Renewals. Renewals shall be upon the same basis as a new application, provided the application is filed not less than 30 days.

(3) Fees for driver's applications and licenses. Upon the filing of an application and as partial reimbursement to the City for the cost of investigation and processing of the taxicab driver's license, there shall be paid \$50 upon filing of an original application and \$25 for the annual application for renewal of an existing license which sum shall be paid by check, cash or money order to the City of Canandaigua, which sum shall be paid at the office of the Clerk/Treasurer. In the event that a taxicab driver's license is granted pursuant to such application, there shall be no additional charge but in the event that the license is denied, there shall be no entitlement to reimbursement thereof.

(4) Replacement of lost license. In the event that a license described in this chapter has been lost, destroyed or stolen or otherwise requires physical replacement, the Director of Public Safety shall thereupon cancel the particular license number on the records of the department and upon the payment of a replacement fee of \$10 issue to the licensee a new license.

§ 618-3. Taxicab licensing procedures.

[Amended 12-16-1999 by Ord. No. 99-007; 2-1-2007 by Ord. No. 2007-005]

No person who owns any motor vehicle shall cause or permit the same to be used as a taxicab within the City without having obtained and having, in full force and effect, a taxicab owner's license for such vehicle issued under the provisions of this chapter.

A. Taxicab owner's license application. Application for taxicab owner's licenses shall be made by the owner on forms to be furnished by the Director of Public Safety. The completed application shall contain or show the following:

(1) Owner information. The name, age and residence of the person, or equivalent particulars, describing the business entity applying for the license and what, if any, previous experience the applicant has in such business and any other information that may be required by the Director of Public Safety.

(2) Vehicle information. The number of motor vehicles owned by the applicant to be used as taxicabs, a description thereof and the state registration number of each vehicle.

(3) Prior license history of owner. Whether the owner has been previously licensed to operate a taxicab in the City or elsewhere, and if so, the particulars relating thereto.

(4) Prior license history of vehicle. Whether any license to operate the taxicab has ever been revoked or suspended and, if so, the particulars relating thereto.

(5) Vehicle inspection. No taxicab license shall be issued until proof of a New York State inspection has been presented to the Director of Public Safety with respect to its equipment according to the standards of the Vehicle and Traffic Law of the State of New York without regard to the time within which the State of New

York would ordinarily require the inspection of said vehicle, and that the said vehicle has been duly certified by the authorized inspection station to have the required equipment and be in the required condition for the issuance of the state motor vehicle registration for such vehicle. Upon the expiration of the New York State inspection, which occurs during the license period, proof of a new New York State inspection must be presented to the Director of Public Safety. If a valid New York State inspection is not received by the Director of Public Safety, the taxicab owner's license will be revoked.

- B. Qualifications for issuance of taxicab owner's license. Upon completion of the investigation aforesaid, the Director of Public Safety is authorized to issue a taxicab license if he determines that:
- (1) The applicant has not made any material false statement or concealed any material fact in connection with his application.
 - (2) Neither the applicant, any officer, director, stockholder or person directly or indirectly interested in the application, was the former holder or was an officer, director, stockholder or partner in a corporation or a partnership which was the former holder of a taxicab license which had been revoked or suspended.
 - (3) Neither the applicant, any officer, director, stockholder or person directly or indirectly interested in the application, partner, or employee has been convicted of:
 - (a) Any offense or crime involving violence, indecency, degeneracy, crime involving moral turpitude, or illegal use or possession of drugs;
 - (b) Any offense or crime involving dishonesty, deceit, or gambling within the past 10 years;
 - (c) Any offense or crime involving driving while ability impaired or under the influence of alcohol within the past eight years;
 - (d) Any felony within the past five years;
 - (e) Any misdemeanor within the past three years;
 - (f) Any other offense or violation, within the past one year, provided that the City Manager may, upon good cause shown, relieve an applicant from the disability listed in this Subsection **B(3)(f)**, but under no circumstances from a disability resulting from a conviction for any offense or crime listed in Subsection **B(3)(a), (b), (c), (d) or (e)** above.
 - (4) The applicant is the true owner of the vehicle.
- C. General ground for refusal. In addition, the taxicab owner's license may be refused for any reason which in the opinion of the Director of Public Safety may be deemed detrimental to the best interest of the general public both in welfare and safety, provided that in the making of such determination, the Director of Public Safety shall set forth his specific reasons for such disapproval. Such refusal by the Director of Public Safety shall be subject to review by the City Council of the City of Canandaigua.
- D. Renewals of taxicab owner's licenses. The same procedures shall be followed as for original applications.
- E. Taxicab owner's license fees. There shall accompany each application for a taxicab owner's license, cash, check or money order made to the order of the City of Canandaigua in the amount of \$30 for each vehicle to be used as a taxicab to be paid at the office of the Clerk/Treasurer, which shall be a partial reimbursement to the City for the cost and expense for processing and the investigation thereof. In the event of the disapproval of any such application, there shall not be any entitlement to the reimbursement of any part of the fees. The fee for any such license shall be \$30 per vehicle per calendar year.
- F. Substitution of vehicle without change of owner. If during a calendar year, an owner licensee desires to substitute a vehicle for the one that has been licensed, he shall make application on a form provided therefor by the Director of Public Safety and upon the payment of a processing fee of \$10, payable as aforesaid, at the time of making the application. The vehicle may be substituted, provided there is furnished proof that the said vehicle has within the 30 days last past been inspected with respect to its equipment according to the standards of the Vehicle and Traffic Law of the State of New York without regard to the time within which the State of New York would ordinarily require the inspection of said vehicle, and that the said vehicle has been duly certified by the authorized inspection station to have the required equipment and be in the required condition for the issuance of the state motor vehicle registration for such vehicle.

G. Substitution of owner. No license is assignable.

§ 618-4. Operating regulations.

A. Driver's rules. Every person while operating a vehicle licensed pursuant to this chapter shall:

- (1) Nondiscrimination. Not refuse or neglect to convey any orderly person upon request in the City of Canandaigua unless previously engaged or unable or forbidden by the provisions hereof to do so.
- (2) Handling of passengers. It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to so use the taxicab, provided such person conducts himself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger. The driver shall take his passenger to his destination by the most direct available route from the place where the passenger enters the cab.
- (3) Lost articles. Examine the interior of the vehicle after the termination of each trip for any articles left or lost in the vehicle and immediately take any such property to the desk officer at the Police Department of the City of Canandaigua, in compliance with the provisions of the Personal Property Law.
- (4) Accident reports. Report all accidents, as required by the Vehicle and Traffic Law, and report all accidents to the taxicab owner and in addition thereto, file a report of all accidents within 48 hours after the occurrence thereof with the Director of Public Safety. In making a report of accident to the Director, the form for the report shall be the same as is used for the filing of reports for the state pursuant to the Vehicle and Traffic Law, except that all accidents shall be reportable to the Director of Public Safety regardless of the amount of property damage or the amount of personal injury.
- (5) Change of residence. Report each change of residence within 10 days after such change to the Director of Public Safety.
- (6) Suspended, canceled or revoked license. Not operate any such vehicle while his taxicab driver's license or chauffeur's license is suspended or revoked or canceled.
- (7) License use and display. At all times while on duty, have displayed in the interior of the vehicle which he is operating, his taxi driver's license and accompanying photograph affixed thereto displayed in a place visible to any passenger in such taxicab. He shall not permit his license or photograph to be used by any person other than himself.
[Amended 3-28-1985]
- (8) Posting rates. The rates charged by the operator of the taxicab shall be prominently posted within the taxicab and within readable visibility of the fares of the taxicab.
- (9) Examination and testing. Submit upon reasonable notice at the request of the Director of Public Safety to a physical examination during any license year, to be conducted by a City appointed physician, at City expense, and to submit to the taking of a practical test supervised by a designee of the Director of Public Safety during the course of a licensed year, which said physical examination or a practical test mentioned aforesaid shall be over and above any requirement with regard to the making out of an application for a taxicab driver's license. The applicant shall sign a medical release so that such medical information may be provided directly to the City.
[Amended 2-1-2007 by Ord. No. 2007-005]
- (10) Cooperation with police. Not conceal any evidence of any crime, nor voluntarily aid violators to escape arrest. He shall report as soon as possible to police any unlawful act connected with his vehicle or any attempt to use his vehicle to commit a crime or escape from the scene of a crime.
- (11) Receipts to passengers. Upon request of a passenger, issue a receipt for fares paid by the passenger identifying the taxicab owner, cab identification number, date of trip, amount paid and be signed by the driver.
- (12) Courtesy. Be courteous to passenger and others.

- (13) Driver's seating. Not sit in any part of his vehicle except the driver's seat, and shall not permit anyone who is not a paying passenger to sit anywhere in the vehicle.
- (14) Referrals. Not solicit or recommend patronage for restaurants, bars, night clubs, dance halls, cabarets, hotels or like places or advise anyone that he is employed by any such place, nor shall be solicit or recommend any place maintained in violation of law.
- (15) Nonpaying passengers. Not permit any passenger in a taxicab except a paying fare passenger during such time as the taxi is being used for business purposes, or is being made available for the carrying of paying passengers.
- B. Duties of owner. The owner of every vehicle licensed under the provisions hereof operating within the City, in addition to complying with all the conditions hereof, shall do and perform or cause to be done with respect to each vehicle operated hereunder, the following:
- (1) Vehicle cleanliness. The interior and exterior shall be kept in a clean and sanitary condition.
 - (2) Safety inspection. Inspect the vehicle and its equipment at least daily, and make such repairs and alterations as may be required by the condition of the vehicle and not operate any vehicle until repairs or alterations are made to maintain safety of passengers and the public in general.
 - (3) Authorized driver employees. Employ only drivers who present and have with them during the time of employment a currently valid City of Canandaigua taxi driver's license.
 - (4) Reports on driver. Report any driver to the Director of Public Safety who would in the opinion of the owner not be qualified to hold a driver's license, stating the reason therefor.
 - (5) Municipal inspections. Submit vehicles for inspection whenever required by the Director of Public Safety or his designee.
 - (6) Taxicab sign. Every taxicab, while operated as a taxicab, shall have on each side or on top a sign not less than 11 inches in length and 4 1/2 inches in height stating the word "taxi" and also, at the option of the licensee, the name of the licensee operating it. This sign may be a removable sign and may be removed if the vehicle is not being used as a taxicab.
 - (7) Advertising limitations. No advertising for political purposes is permitted externally or internally on any taxicab.
 - (8) Interior light. Provide each taxicab with sufficient interior light so that when the door of the taxicab is open, the light shall automatically operate.
 - (9) Employer's driver list. Maintain and furnish current lists of driver employees with the Director of Public Safety.
 - (10) Driver delinquency reports. The owner shall furnish reports to the Director upon the discharge of any driver where the discharge is based on the conduct of the driver in violation of this chapter.
 - (11) Driving hiring procedure. The owner further shall make inquiry at the office of the Director of Public Safety prior to hiring any driver in order to ascertain that the driver has a current City of Canandaigua taxi driver's license.
 - (12) Vehicle transfer. Shall promptly report to the Director of Public Safety the transfer of ownership of any vehicle licensed hereunder and concurrently shall turn in to the Director the taxicab license issued for the use of such vehicle.
 - (13) Abandonment. If any taxicab owner licensee shall fail to operate any or all of the taxicabs covered by his license for a period of 30 consecutive days, his license may be revoked by the Director of Public Safety as to such taxicabs.
 - (14) Supervisory responsibility. Shall be responsible for diligently supervising his employees to assure compliance by them with this chapter. The failure to do so may be cause for revocation or suspension of the owner's taxicab license or licenses.

§ 618-5. Suspension, cancellation, revocation and refusal to renew or issue a license.

- A. Reasons. The Director of Public Safety may suspend cancel or revoke a taxicab driver's license or taxicab owner's license and may refuse to approve an application or a renewal thereof for any of the following reasons:
- (1) Convictions. The conviction of the applicant or licensee of a felony or of any crime or offense involving violence, dishonesty, deceit, indecency, degeneracy, moral turpitude, gambling, frequent public intoxication, the illegal use, sale or possession of drugs or violations of the Vehicle and Traffic Law of the State of New York or ordinances of the City of Canandaigua.
 - (2) False applications. The licensee or applicant has made a material false statement or concealed a material fact in connection with the application for a license or the renewal thereof.
 - (3) Violations. The licensee has violated any of the provisions of this chapter.
 - (4) True ownership requirement. The applicant is not the true owner of the vehicle or taxicab business.
 - (5) Prior revocation or suspension. The applicant, any officer, director, stockholder, or partner or any other person directly or indirectly interested in the application for a taxicab license was the former holder, or was an officer, director, or partner or stockholder in a corporation or partnership which was the former holder of a taxicab license which had been revoked or suspended.
 - (6) Unfit applicant or licensee. The applicant, in the opinion of the Director of Public Safety, is not fit to be a licensee hereunder, in the best interest of the general public welfare and safety, or for specific breach of one or more of the requirements of this ordinance.
- B. Hearings.
- (1) Action without notice. Any suspension, cancellation or refusal to renew a license made hereunder shall be by written notice issued by the Director of Public Safety to the applicant or licensee. The said notice shall include a statement that the applicant or licensee is entitled to demand a hearing provided that such demand is made in writing to the Director and such hearing shall be conducted within two business days after the imposition of such suspension or cancellation of a license hereunder if less than seven days' prior notice thereof has been given.
 - (2) Action with notice. Where prior notice of at least seven days has been given with respect to a proposed suspension or cancellation of a license, a hearing shall be held within seven days after receipt of written demand.
 - (3) Demand for hearing. Any demand for a hearing must be made within 30 days after mailing of the notice of suspension, revocation or refusal to renew a license.
 - (4) Effect of a suspension or cancellation of license. In the event of a suspension or cancellation as provided for herein of a taxicab operator's or owner's license, the holder thereof shall deliver the license issued in conjunction therewith to the Director of Public Safety.

§ 618-6. Taxicab license quotas.

[Amended 3-5-1998 by Ord. No. 98-004]

Legislative findings. It is hereby determined by the City Council of the City of Canandaigua that the maximum number of taxicabs needed to service the public within the City is 25. Unless and until changed by ordinance, the Director of Public Safety or his designee shall not issue taxicab owner's licenses for more than that number. The maximum number of taxicabs to be licensed by any one taxicab company will be 15. Priority shall be given first to those holding licenses but after the expiration date of any such licenses which are not renewed, or after cancellation and revocation as herein provided, then licenses shall be issued to any new applicants in the order of the time of filing of their applications.

§ 618-7. Taxicab and taxicab driver records.

All records pertaining to the issuance of licenses under this chapter and the records of all hearings conducted herein shall be maintained by the Director of Public Safety in the office of the Clerk/Treasurer.

§ 618-8. Penalties for offenses.

Any person, owner or driver who operates a taxicab in violation of any provision of this chapter shall, upon conviction, be punished by a fine of not more than \$250, or imprisonment not exceeding 15 days, or by both such fine and imprisonment. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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

§ 618-9. Continuation of unexpired licenses.

All taxicab driver and taxicab licenses issued by the City of Canandaigua in effect on the effective date of this chapter are expressly continued in effect until the expiration dates provided for therein or under the ordinance heretofore authorizing such licenses, subject to suspension, cancellation or revocation hereunder and subject to criminal penalties set forth herein for violations of this chapter.

§ 618-10. Savings clause.

Nothing in this chapter contained shall affect the prosecution of or proceeding against any person or persons for any violation existing at the time this chapter shall take effect.

§ 618-11. Effective date.

Except as otherwise expressly provided, this chapter shall take effect May 12, 1972.