

City of Buffalo, NY
Thursday, January 22, 2015

Chapter 437. TAXICABS, LIVERIES AND SIGHTSEEING BUSES

[HISTORY: Derived from Art. XIX of Ch. V of the Charter and Ordinances, 1974, of the City of Buffalo. Amendments noted where applicable.]

GENERAL REFERENCES

Parking and parking lots — See Ch. 307.

Vehicles and traffic — See Ch. 479.

[1]: *Editor's Note: The title of this chapter was amended to add sightseeing buses 6-12-2007, effective 6-20-2007.*

§ 437-1. Findings and limitation on number of taxicab licenses.

- A. It is hereby found and declared that the taxicab business in the City of Buffalo provides an important part of the transportation facilities of said City and the service rendered by said business is a matter of public concern and interest.
- B. A study and survey of the business points to the conclusion that the public cannot properly be served and the business itself cannot operate in an orderly and appropriate manner without regulation of the business and the limitation by the City of the number of taxicabs using the streets.
- C. Taxicabs now in use and licensed are operated principally by fleet owners and by owners of single or comparatively few taxicabs. To preserve an equitable ratio of taxicabs operated by the two classes of owners and to prevent a monopoly of the business by a limited number of owners, the number of licenses which may be issued is hereby fixed as follows: maximum total fleet available is 300 taxicabs. [Amended 2-22-2005, effective 3-7-2005]
- D. If a fleet operator sells any of his licensed taxicabs to an individual operator, the number of licensed taxicabs assigned hereinbefore to fleet operators shall be deemed reduced accordingly and the number of licensed taxicabs hereinbefore assigned to individual operators shall be increased accordingly. However, no such sale shall be permitted unless such sale is recommended by the Commissioner of Permit and Inspection Services and approved by the Common Council. [Amended 12-9-2003, effective 12-19-2003]

§ 437-2. Findings and limitation on number of livery licenses.

- A. It is hereby found and declared that the livery business in the City of Buffalo provides an important part of the transportation facilities of said City and the service rendered by said business is a matter of public concern and interest.
- B. Months of discussions, public hearings and investigation lead to the conclusion that the operation of liveries must be regulated to protect the interests of the public. To enable both livery and taxicab

businesses to operate in an orderly manner, there must be a limitation by the City of the number of livery cars using the City streets. The number of livery licenses in effect at any one time shall not exceed 300.

[Amended 2-22-2005, effective 3-7-2005]

- C. Liveries are principally owned by fleet owners and by owners of single or comparatively few livery cars. To maintain an equitable ratio of liveries operated by the two classes of owners and to prevent a monopoly of the business by a limited number of owners, the number of licenses which may be issued is hereby fixed as follows: maximum total fleet available is 300 taxicabs.
[Amended 2-22-2005, effective 3-7-2005]
- D. If a fleet operator sells any of his licensed liveries to an individual operator, the number of licensed liveries assigned hereinbefore to fleet operators shall be deemed reduced accordingly and the number of licensed liveries hereinbefore assigned to individual operators shall be increased accordingly. However, no such sale shall be permitted unless such sale is recommended by the Commissioner of Permit and Inspection Services and approved by the Common Council.
[Amended 12-9-2003, effective 12-19-2003]

§ 437-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSIONER

The Commissioner of Police of the City of Buffalo.^[1]

DISPATCHER

An individual or individuals who operate pursuant to federal law governing communications on two-way radios and dispatch various liveries and/or taxicabs to locations pursuant to requests by potential passengers.

DRIVER

A person licensed to drive a taxicab or livery in the City of Buffalo.

FLEET OPERATOR

A person, firm or corporation owning and operating five or more taxicabs or liveries.

INDIVIDUAL OPERATOR

A person, firm or corporation owning and operating fewer than five taxicabs or liveries.

LIVERY

A passenger automobile with an interior seating capacity for seven or fewer passengers which transports fares for hire. However, a livery service shall not secure business by cruising the streets or by soliciting fares in public places. A "livery" may have the word "livery" and the name of the owner or company on the vehicle. A "livery" shall not, however, have placed upon it a dome light or other lights located on the roof of the vehicle or the words "taxi," "taxicab" or words of similar import or any other distinctive or unusual equipment, device, design, color, numbers or lettering liable to deceive the public that such a vehicle is a taxicab.

OWNER

Includes any person, firm, corporation or association owning and operating one or more taxicabs or liveries.

OWNER DRIVER

A person who owns a taxicab or livery and drives his own vehicle exclusively.

PERSON

Includes individuals, firms and corporations.

SIGHTSEEING BUS

A motor vehicle used to provide a guide service or tour which seats eight or more passengers, operating for hire by an individual or group at a fixed price on a fixed route in the City of Buffalo to a place or places of interest within the City of Buffalo.

[Added 6-12-2007, effective 6-20-2007]

SIGHTSEEING DRIVER

Any individual whose function is to drive a sightseeing bus as herein defined within Chapter **437** for the purpose of providing a guide service or tour.

[Added 6-12-2007, effective 6-20-2007]

TAXICAB

A passenger automobile with a seating capacity in the interior thereof for seven or fewer passengers, operated for the purpose of transporting persons for hire from points of origin within the City of Buffalo which either: cruises the streets of the City of Buffalo for the purpose of securing passengers; or receives calls from individuals or from dispatchers for the purpose of transporting passengers for hire; or is parked in a space as provided for in § **437-19** of this chapter.

TAXIMETER

A mechanical instrument or device by which the charge for hire of a taxicab or livery may be mechanically calculated either for the distance traveled or waiting time, or both, and upon which such charge is indicated by means of figures.

[1]: *Editor's Note: The definition of "Director," which immediately followed this definition, was repealed 12-9-2003, effective 12-19-2003.*

§ 437-4. License required.

[Amended 12-9-2003, effective 12-19-2003]

No person shall use any motor vehicle in the conduct of a taxicab or livery business unless a license therefor issued by the Commissioner of Permit and Inspection Services is in full force and effect.

§ 437-4.1. License required for use of vehicle for sightseeing service.

[Added 6-12-2007, effective 6-20-2007]

No person shall use any motor vehicle in the conduct of a sightseeing service unless a license therefor issued by the Commissioner of Permit and Inspection Services is in full force and effect.

§ 437-5. Taximeter required.

No taxicab or livery shall be licensed unless the same is equipped with a taximeter of approved design and in good working order.

§ 437-6. License application and issuance; conditions.

[Amended 4-3-2001, effective 4-16-2001]

- A. Application for a taxicab or livery license shall be made to the Commissioner of Permit and Inspection Services by the owner, in writing, duly sworn to, upon forms to be furnished by the Commissioner of Permit and Inspection Services, and shall show the owner's name and address, the motor number and make of the vehicle, the year manufactured, the New York State license number attached thereto, the size of the tires used and the make, type and number or other descriptive designation of the taximeter, together with an accurate and complete statement of the color of said taxicab or livery and, if more than one color, a description of the color design thereof. An application for a livery license shall indicate if said vehicle operates through a dispatcher and, if so, the identification of said dispatcher service. The Commissioner of Permit and Inspection Services may require such further information as he deems necessary.

[Amended 12-9-2003, effective 12-19-2003]

- B. The Commissioner of Permit and Inspection Services shall cause the motor vehicle described in the application to be inspected and the taximeter attached thereto to be tested. If the motor vehicle is found to be clean and in proper condition for the safe transportation of passengers and the taximeter attached thereto, upon test, is found to register correctly, the Commissioner of Permit and Inspection Services shall issue a license for such vehicle, and the taximeter attached thereto shall be sealed. The owner of any licensed taxicab or livery shall securely affix to such licensed taxicab or livery on the outside thereof at the rear of the vehicle, in a conspicuous place, a metal plate, showing the number assigned to such taxicab or livery. The licensing of such vehicle should be subject, however, to the following conditions:

[Amended 12-9-2003, effective 12-19-2003]

- (1) If it shall appear that the color design stated in the application for the license of any taxicab or livery, if said taxicab or livery is of more than one color, or if it appears at any time, upon inspection of any taxicab or livery, that the color design thereof is so similar to the color design of other taxicabs or liveries as to be liable to deceive the public, then the Commissioner of Permit and Inspection Services is authorized to withhold a license to said applicant or to revoke or suspend the license thereof until the color design of said taxicab or livery has been changed or altered so as not to resemble the color design of any other taxicab or livery operated under separate ownership and so as not to deceive the public. Any applicant for a license for a taxicab or livery of more than one color shall be entitled to use the color design thereof, provided that such applicant establishes to the satisfaction of the Commissioner of Permit and Inspection Services that such applicant was using said color design upon his taxicab or livery at the time of the enactment of this chapter and was the first to continuously use said design in the City of Buffalo or, in case of a new design, that the same is not being used by any taxicab or livery owner. After being licensed, no color design of any taxicab or livery shall be changed without the written approval of the Commissioner of Permit and Inspection Services.
- (2) An owner who drives his own cab or livery exclusively may place the words "owner driver" on the outside of the front doors thereof immediately below the windows in letters contrasting strongly with the color of the vehicle, not less than two inches high. However, taxicabs or liveries so marked must be operated by no one other than the licensed owner, under penalty of having the license suspended or revoked.
- (3) No person shall drive or operate upon the streets of the City any passenger automobile with a seating capacity in the interior thereof for seven or fewer passengers and registered as an omnibus by the State of New York, while such vehicle has a taximeter or unusual or distinctive equipment, device, design, color, numbers or lettering liable to deceive the public that such vehicle is a licensed taxicab or livery as above provided, unless such vehicle is duly licensed under this section. A livery shall not have a dome light or other lights located on the roof of the vehicle or the words "taxi," "taxicab" or words of similar import on the vehicle.
- (4) The mileage rates fixed by this chapter shall be displayed on each taxicab and livery so as to be readily visible to passengers entering the vehicle. The rates shall be painted in a contrasting color

on both rear doors of all licensed taxicabs and liveries in letters and figures which shall be not less than $\frac{3}{8}$ of an inch in height.

- (5) Advertising.
[Amended 4-16-2013]
- (a) A taxicab or livery may have illuminated advertising billboards, placards or similar devices, no larger than 18 inches high by four feet six inches long, attached securely to the roof or trunk of the vehicle, not to exceed the length or width of such roof or trunk. The advertising displayed upon livery vehicles shall not include the words "taxi" or "taxicab" or words of similar import.
- (b) Unless specifically prohibited by any rule or regulation of the New York State Vehicle and Traffic Law, advertising wheel hubcaps no larger than 17 inches in diameter, attached to the wheel hub, may be utilized for advertising purposes as limited herein. Such wheel hubcaps may be illuminated by a nonblinking light that is removable by the taxi driver. Such advertising may only be used for a trial period of 45 days from the ratification of this section. After such time, such advertising shall be prohibited in the absence of a further amendment to this section.
- (6) Effective May 1, 2007, the maximum allowable vehicle age in order to obtain a taxicab and/or livery vehicle license shall be fifteen model-year age from the most current licensing year.
[Added 1-23-2007, effective 2-5-2007]
- (7) Effective May 1, 2008, the maximum allowable vehicle age in order to obtain a taxicab and/or livery vehicle license shall be twelve model-year age from the most current licensing year.
[Added 1-23-2007, effective 2-5-2007]
- (8) Effective May 1, 2009, the maximum allowable vehicle age in order to obtain a taxicab and/or livery vehicle license shall be ten model-year age from the most current licensing year.
[Added 1-23-2007, effective 2-5-2007]
- C. No person shall be entitled to or receive a license for a taxicab or livery by reason of having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of good moral character when such reason is based upon the fact that the applicant has previously been convicted of one or more criminal offenses, unless: (a) there is a direct relationship between one or more of the previous criminal offenses and the personal transportation for hire industry; or (b) the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.
- D. Application for a sightseeing bus license shall be made to the Commissioner of Permit and Inspection Services by the owner, in writing, duly sworn to, upon forms to be furnished by the Commissioner of Permit and Inspection Services, and shall show the owner's name and address, the motor number and make of the vehicle, the year manufactured, and the New York State license number attached thereto. The Commissioner of Permit and Inspection Services may require such further information as he deems necessary.
[Added 6-12-2007, effective 6-20-2007]
- (1) The owner of any licensed sightseeing bus shall securely affix to such licensed sightseeing bus on the outside thereof at the rear of the vehicle, in a conspicuous place, a metal plate, showing the number assigned to such sightseeing bus.

§ 437-7. Partitions.

The City of Buffalo recognizes the value of partitions placed between the front and rear seats of taxicabs

and liveries for hire and encourages the use of the same. In the event that said partitions are used within the City, the following rules regarding construction, design and placement shall control:

- A. Said partition shall be framed totally with metal, which frame shall be firmly secured to the center post on each side of the vehicle so that not more than two inches of space remains between the center post and frame nor more than two inches between the frame and the roof. In addition to the above, the space between the seat and center post, extending from the top of the seat to the floor on the driver's side of the vehicle, is to be covered by a shatterproof substance in such a fashion as to prevent a passenger from reaching the driver of said taxicab or livery.
- B. Said partition shall be constructed of an optically clear, shatterproof substance and designed in a way which will afford the driver complete rearview vision.
- C. Said partition shall also be so designed so that the driver can collect fares without leaving the vehicle.
- D. Said partition shall also be installed so as not to cause any added reflections.
- E. All edges or parts of said partition are to be smooth to afford maximum safeguards to passengers.

§ 437-8. Renewal and surrender of license.

[Amended 7-20-1993, effective 8-2-1993; 12-9-2003, effective 12-19-2003]

- A. The holder of a taxicab or livery license shall be permitted to renew the same annually, provided that all ordinance provisions relating thereto are complied with and the application for such renewal is filed with the Commissioner of Permit and Inspection Services not later than May 1 of each year. The motor vehicle to be used must be presented for inspection as provided in § 437-7 of this chapter. If the application for renewal is not made within said time, the holder will be deemed to have abandoned said license, and a license in place thereof may be issued to another applicant as hereinafter provided.
- B. The holder of a taxicab or livery license may voluntarily surrender the same to the Commissioner of Permit and Inspection Services at any time.
- C. If a taxicab or livery license issued to a fleet operator is abandoned or surrendered by the holder or revoked by the Commissioner of Permit and Inspection Services, a license in place thereof may be issued only to a fleet operator, except as hereinafter provided; and, similarly, if a taxicab or livery license issued to an individual operator is abandoned or surrendered by the holder or revoked by the Director of Licenses and Permits, a license in place thereof may be issued only to an individual operator whose total taxicab or livery licenses will not be increased to more than four thereby or to a new applicant who will be an individual operator.
- D. In case of the disuse for a taxicab or livery purposes of any licensed taxicab or livery, the holder of the license may have the same transferred to another vehicle with the approval of the Commissioner of Permit and Inspection Services and the payment of a transfer fee as provided in Chapter 175, Fees.
- E. A fleet operator, any of whose taxicab or livery licenses are abandoned, surrendered or revoked so that the number of his licenses remaining in force are less than five in number, shall thereupon become an individual operator. Any person not now holding a taxicab or livery license desiring to secure a license may annually register his name for such purpose with the Commissioner of Permit and Inspection Services upon payment of a registration fee as provided in Chapter 175, Fees.
- F. A taxicab or livery license may be issued to the applicants so registered in the order of registration in place of any license which is abandoned, surrendered or revoked; and in case two or more such persons were registered on the same day, such licenses shall be awarded to them by lot; provided, however, that the total number of taxicab or livery licenses held by fleet operators shall not be increased by such award. In case of the sale of a licensed taxicab or livery, the license therefor may be

transferred to the new owner if he complies with all ordinance requirements and the number of taxicab or livery licenses held by fleet operators is not increased thereby.

- G. The holder of a taxicab or livery license shall be permitted to renew the same annually, provided that all ordinance provisions relating thereto are complied with and the application for such renewal is filed with the Commissioner of Permit and Inspection Services not later than May 1 of each year.
[Added 6-12-2007, effective 6-20-2007]

§ 437-9. Driver's license; record of trips; identification on cards.

[Amended 12-9-2003, effective 12-19-2003]

- A. Any person who desires to act as a driver of a taxicab or livery shall make written application to the Commissioner of Permit and Inspection Services for a taxicab or livery driver's license, furnishing in such application the information required by the Commissioner of Permit and Inspection Services, including but not limited to the person's correct address, phone number and proof of motor vehicle liability insurance coverage currently in effect and in the amounts prescribed by New York State for omnibus vehicles. Any change in the information provided must be reported to the Commissioner of Permit and Inspection Services within 10 days after the change occurs. Any person applying for a taxicab or livery driver's license must hold a valid chauffeur's license issued by the State of New York and must reside within the County of Erie. The Commissioner of Permit and Inspection Services shall issue to each licensed taxicab or livery driver a badge showing the number assigned to such driver; and the badge, conspicuously displayed, shall be worn by such driver at all times when on duty. Such badge shall remain the property of the City of Buffalo and shall be surrendered upon the expiration or revocation of the driver's license.
- B. Each driver's license shall provide a space wherein the Department of Police shall enter a record of all accidents of any nature and retain a record thereof. Such record shall be given consideration in relation to the renewal, suspension or revocation of the driver's license. The erasure or obliteration of any official entry relating to accidents made upon a driver's license shall be sufficient cause for suspension or revocation of such license.
- C. It shall be the duty of each driver to keep a record, upon forms approved by the Commissioner of Permit and Inspection Services, of all trips made and to file the same with the owner of the taxicab or livery, and such record shall be preserved for at least 60 days.
- D. At the time of the issuance of the driver's license herein provided for, the Commissioner of Permit and Inspection Services shall issue to each licensed driver an identification card containing the driver's license number and his name and address and shall provide space for a small photograph of said licensed driver. Said driver shall provide the Commissioner of Permit and Inspection Services with two copies of said small photograph, one to be affixed to said identification card. Said identification card shall be carried in a suitable frame furnished by the City through the Department of Permit and Inspection Services and shall be hung in the passenger compartment in the rear of the taxicab or livery, together with a card showing the rates of fare, at all times while said driver is on duty. Said identification card and rate card shall be visible to any passenger riding in said vehicle, shall be so placed as to be readable by any passenger and shall have light shining on the same at night. The kind and size of said cards, the writing thereon and the placing and illumination of said cards shall be approved by the Commissioner of Permit and Inspection Services.
- E. Any person who desires to act as a driver of a sightseeing bus shall make written application to the Commissioner of Permit and Inspection Services for a sightseeing bus driver's license, furnishing in such application the information required by the Commissioner of Permit and Inspection Services, including but not limited to the person's correct address, phone number and proof of motor vehicle

liability insurance coverage currently in effect and in the amounts prescribed by New York State for omnibus vehicles. Any change in the information provided must be reported to the Commissioner of Permit and Inspection Services within 10 days after the change occurs. Any person applying for a sightseeing bus driver's license must hold a valid chauffeur's license issued by the State of New York and must reside within the County of Erie. The Commissioner of Permit and Inspection Services shall issue to each licensed sightseeing bus driver a badge showing the number assigned to such driver; and the badge, conspicuously displayed, shall be worn by such driver at all times when on duty. Such badge shall remain the property of the City of Buffalo and shall be surrendered upon the expiration or revocation of the driver's license.

[Added 6-12-2007, effective 6-20-2007]

- F. At the time of the issuance of the driver's license herein provided for, the Commissioner of Permit and Inspection Services shall issue to each licensed driver an identification card containing the driver's license number and his name and address and shall provide space for a small photograph of said licensed driver. Said driver shall provide the Commissioner of Permit and Inspection Services with two copies of said small photograph, one to be affixed to said identification card. Said identification card shall be carried in a suitable frame furnished by the City through the Department of Permit and Inspection Services and shall be hung in the passenger compartment in the rear of the sightseeing bus, together with a card showing the fixed rates of fare, at all times while said driver is on duty. Said identification card and fixed rate card shall be visible to any passenger riding in said vehicle and shall be so placed as to be readable by any passenger. The kind and size of said cards, the writing thereon and the placing and illumination of said cards shall be approved by the Commissioner of Permit and Inspection Services.

[Added 6-12-2007, effective 6-20-2007]

§ 437-10. Transferability of licenses.

[Amended 12-9-2003, effective 12-19-2003; 6-12-2007, effective 6-20-2007]

No taxicab, livery or sightseeing driver's license shall be assigned from one person to another. No taxicab, livery or sightseeing bus license shall be assigned from one person to another, and no plate attached to a taxicab, livery or sightseeing bus by the Commissioner of Permit and Inspection Services shall be transferred from one vehicle to another except as otherwise herein permitted.

§ 437-11. Revocation and suspension of license.

[Amended 12-9-2003, effective 12-19-2003]

Any license issued by the Commissioner of Permit and Inspection Services may be revoked or suspended by him for cause.

§ 437-12. Fees.

- A. The fee for a taxicab license and for a taxicab driver's license, including identification card, shall be as provided in Chapter **175**, Fees. The fee for a livery license and for a livery driver's license, including identification card, shall be as provided in Chapter **175**, Fees. The fee for a sightseeing bus license and for a sightseeing bus driver's license, including identification card, shall be as provided in Chapter **175**, Fees. Each such license shall expire on the first day of May annually.

[Amended 6-12-2007, effective 6-20-2007]

- B. There shall also be paid to the City at the office of the Commissioner of Permit and Inspection Services, upon the issuance of a duplicate identification card to replace a lost, stolen, destroyed or misplaced card, the sum as provided in Chapter **175**, Fees.

[Amended 12-9-2003, effective 12-19-2003]

- C. All fees and moneys received by the Commissioner of Permit and Inspection Services shall be transmitted to the office of the Director of the Treasury of the City for deposit therein in accordance with regulations established by the Comptroller.
[Amended 12-9-2003, effective 12-19-2003]

§ 437-13. Taximeter.

- A. No person shall use or permit to be used on any taxicab or livery a taximeter which shall be in such condition as to be more than 5% incorrect to the prejudice of a passenger. No taximeter affixed to any taxicab or livery shall be operated from either rear wheel of such vehicle. Between sunset and sunrise, the face of every taximeter shall be illuminated by a suitable light so arranged so as to throw a continuous steady light thereon and render the figures on such taximeter readily discernible by any passenger. No person shall use or permit to be used a taximeter on which the seal placed by the Director of Licenses and Permits has been broken nor unless its cover and gears are intact.
- B. It shall be unlawful to change the size of the front wheels or tires of a taxicab or livery or the gears operating the taximeter or to change said instrument from one vehicle to another without a reinspection and approval of the Commissioner of Permit and Inspection Services.

§ 437-14. Rates and charges. (Last amended 6-12-2007, effective 6-20-2007)

- A. No person shall charge a greater sum for the use of a taxicab or livery than in accordance with the following rates:
- (1) Hourly rates: \$24 per hour for one or more passengers.
 - (2) Mileage rates: \$2.30 for the first 1/6 mile or less; \$0.40 for each additional 1/6 mile or less; \$0.40 for each one minute of waiting time, including time lost in traffic delays.
 - (3) Hand baggage: free.
 - (4) Trunks: \$1 each.
 - (5) Large boxes: \$1 each.
- B. No additional or extra charge shall be made for carrying more than one passenger, but all passengers up to the seating capacity of the vehicle shall be carried for the same fare as that above prescribed for one passenger.
- C. Upon demand, the driver of a taxicab or livery shall furnish to the passenger a receipt for the fare paid, showing the name and badge number of the driver.
- D. All disputes as to the lawful rate of fare shall be determined by the police officer in charge of the police station nearest to the place where the dispute arises or occurs; and a failure to comply with such determination, provided that it be in accordance with the rate herein fixed, shall be a violation of this chapter.
- E. The rate charged in the City of Buffalo shall be subject to review and renewal by the Common Council after a period of one year from the effective date of such rate change. During that one-year period, taxicab and livery service providers shall work with the Common Council on improving the quality of service in the City of Buffalo. The amount of improvement and extent of cooperation by the taxicab

and livery service providers may be considered in the decision to renew the rate for an additional period of time.

- F. The rate of fare for any sightseeing bus (including all charges) for each fixed route of said sightseeing bus shall be on file with the Office of Licenses and shall be clearly displayed within each sightseeing bus.

§ 437-15. Reduced rates for senior citizens.

[Amended 12-9-2003, effective 12-19-2003; 7-11-2006, effective 7-25-2006]

Upon producing certification issued by the Mayor's office as to senior citizen status, persons shall be entitled to a ten-percent reduction in the amount of the fare.

§ 437-16. Excess rates prohibited.

[Amended 12-9-2003, effective 12-19-2003; 7-11-2006, effective 7-25-2006]

No person shall charge, for taxicab or livery service, rates higher than the rates permitted by § 437-14; any person who charges greater rates than the rates so filed for taxicab or livery service in vehicles to which such advertised rates apply shall be guilty of a violation of this chapter.

§ 437-17. Rates to be displayed.

[Amended 12-9-2003, effective 12-19-2003; 7-11-2006, effective 7-25-2006]

A card indicating rates allowed to be charged by this chapter, printed in English, shall be furnished by the Commissioner of Permit and Inspection Services and displayed in each taxicab or livery. Such cards, before being used, shall be approved, as to design and size of type used, by the Commissioner of Permit and Inspection Services.

§ 437-18. Solicitation of passengers.

No taxicab driver shall solicit passengers on any street or taxicab stand at a greater distance than 20 feet from his taxicab.

§ 437-19. Taxi stands.

- A. The following are hereby designated as places where taxicabs may stand while awaiting employment:

Name of Street	Side	Location and Restrictions	Number of Cabs
Allen Street	North	West of Main Street	1
Best Street	North	Gate No. 1 at Civic Stadium, east of Grape Street, 30 minutes only before closing of event	9
Best Street	South	Opposite Gate No. 2 at Civic Stadium, between Peach Street and entrance to State Armory; 30 minutes before closing of event	10
Broadway	North	Approximately 80 feet east of the east curblineline of Gibson Street	5
Broadway	South	(Lafayette Square) Starting at a point	3

approximately 35 feet east of Main Street and 60 feet east therefrom

Clinton Street [Repealed 12-9-2003, effective 12-19-2003]			
Clinton Street [Repealed 7-22-2003, effective 8-4-2003]			
Church Street	South	Between Shelton Square and Pearl Street	12
Delaware Avenue	—	North of Cary Street between hotel entrance and Cary Street	3
Delaware Avenue	East	Nighttime stand, in Parking Meter Stall Nos. DE-307 and DE-309, south of entrance to Chez Ami Restaurant, between 7:00 p.m. and 1:30 a.m., December 1 to March 15, and 7:00 p.m. to 3:00 a.m., March 15 to December 1	2
Delaware Avenue [Added 7-25-2006, effective 8-3-2006]	East	North of West Chippewa Street from 7:00 p.m. to 4:00 a.m. only	2
Delaware Avenue	West	North of Niagara Square	3
Delaware Avenue [Added 11-16-2004, effective 11-24-2004]	West	Between a point 300 feet south of North Street and a point 70 feet south therefrom	2
Dodge Street	South	Gate No. 3, Civic Stadium, between points opposite west property line of 298 Dodge Street and east property line of 304 Dodge Street; 30 minutes only before closing of event	5
Dodge Street	South	Between the west side of Gate No. 3 at Civic Stadium and Main Street feed line; for a period of 30 minutes before closing of event	—
Dodge Street	South	Gate No. 4, Civic Stadium, between points opposite east property line of 332 Dodge Street and west property line of 342 Dodge Street; 30 minutes only before closing of event	5
Eagle Street Ellicott Street [Repealed 1-24-2008, effective 2-15-2008]	North	East of Main Street	3
Ellicott Street	West	Between points 45 feet north and 120 feet north of Swan Street	2
Franklin Street [Added 9-20-2005, effective 9-30-2005]	East	Between a point 210 feet north of Court Street and a point 60 feet south therefrom (in existing "No Parking" zone during Convention Center events only)	3
Franklin Street [Added 7-25-2006, effective 8-3-2006]	East	North of West Chippewa Street from 7:00 p.m. to 4:00 a.m. only	3
Genesee Street	North	Mohawk Street to Franklin Street	4

Genesee Street			
[Repealed 3-22-2005; effective 4-1-2005]			
Genesee Street	South	West of Main Street	3
Huron Street	North	West of Main Street	2
Jefferson Avenue	East	100 feet north of Eagle Street and extending 40 feet north therefrom	2
Jefferson Avenue	East	125 feet south of East Ferry Street and extending 40 feet south therefrom	2
Jefferson Avenue	West	125 feet north of Florida Street and extending 40 feet north therefrom	2
Lafayette Square	South	East of Main Street	
[Added 11-25-2003, effective 12-5-2003]			
Lafayette Square			
[Repealed 7-22-2003, effective 8-4-2003]			
Lower Terrace	South	East of Pearl Street and west of Lower Terrace, Memorial Auditorium entrance	5
Lower Terrace	South	West of Pearl Street in no-standing area, taxi feed line only	—
Main Street	—	At No. 621 Main Street	2
Main Street	East	Nighttime stand, in Parking Meter Stall Nos. M-669, M-671 and M-673, opposite the Greyhound Bus Terminal, between 7:00 p.m. and 1:30 a.m., December 1 to March 15, and 7:00 p.m. to 3:00 a.m., March 15 to December 1	3
Main Street	West	At Hotel Worth	1
Main Street	West	At foot of Main Street opposite D.L. and W. Depot, cab terminus	4
Main Street	West	North of Main Street entrance to Memorial Auditorium	5
Main Street	West	South of Main Street entrance to Memorial Auditorium	5
Main Street	West	South of Seneca Street	1
Main Street	West	South of Utica Street	2
Main Street	West	Between points 125 feet north and 165 feet north of West Seneca Street	2
Masten Avenue	East	Between East North Street and Best Street feed line only to Civic Stadium; for period of 30 minutes before closing of event	—
Michigan Avenue	East	110 feet south of Broadway and extending 60 feet south therefrom	3
Mohawk Street	North	East of Main Street	1
Mohawk Street	North	Beginning at a point 25 feet west of Main Street and 60 feet west therefrom	3
Mohawk Street	South	Genesee Street to Franklin Street	3
Mohawk Street	South	West of Main Street	1
North Division Street	North	Between the northeast corner of the	9
[Amended 1-24-2008,			
		intersection of Ellicott Street and North	

			effective 2-15-2008]	Division Street and the northwest corner of the intersection of Oak Street and North Division Street	
North Division Street	South	East of Main Street			2
Pearl Street	East	Starting at a point 30 feet north of Chippewa Street and 105 feet north therefrom			5
Pearl Street	East	Between a point 310 feet north of West Chippewa Street (St. Lt. 433) and a point 50 feet north therefrom	[Added 9-20-2005, effective 9-30-2005]		3
Pearl Street	East	From a point 55 feet south of West Huron Street to a point 125 feet south of West Huron Street	[Added 1-12-1999, effective 1-25-1999]		3
Pearl Street	West	South of Lower Terrace			5
Pearl Street	West	South of West Chippewa Street from 7:00 p.m. to 4:00 a.m. only	[Added 7-25-2006, effective 8-3-2006]		2
Pennsylvania Street	North	Just east of drive leading into Pennsylvania Street entrance to Kleinhans Music Hall, feed line only to Kleinhans Music Hall; for a period of 30 minutes before the closing of event			5
Perry Street	North	Between a point 75 feet east of Washington Street and a point 120 feet east therefrom	[Added 11-16-2004, effective 11-24-2004]		6
Prospect Avenue	—	Between Porter Avenue and Connecticut Street as a feed line only			28
South Elmwood Avenue	West	South of Chippewa Street			3
Swan Street	South	East of Washington Street			2
Walnut Street	West	South of William Street			6
Washington Street	East	North of Broadway, adjacent to Lafayette Theatre			2
Washington Street	East	50 feet south of Swan Street			2
Washington Street	West	South of Swan Street			2
Washington Street and Chippewa Street	—	Southeast corner			4
Water Street	South	West of Boat Ramp, as feed line only			10
West Seneca Street	South	Between Main Street and a point 60 feet south therefrom	[Added 9-4-2007, effective 9-27-2007]		3
William Street	North	20 feet west of Cedar Street and extending 40 feet west therefrom			2
William Street	South	20 feet east of Monroe Street and extending 60 feet east therefrom			3
Windermere Boulevard	West	South of Kenmore Avenue			2

- B. No owner or operator of any taxicab shall occupy with such vehicle for the purpose of securing passengers any other place or stand on any public street or place than those above designated, except that radio-dispatched taxicabs, if not otherwise in violation of parking or standing ordinances, may stand on such main thoroughfares as are listed in Chapter **479**, § **479-4**, of the Code while awaiting employment or further direction from the radio dispatcher of their employer; except that, to meet

special conditions, the Commissioner of Police is hereby authorized to designate additional places where taxicabs may stand while awaiting employment, but the use of such stands shall be subject at all times to the orders of said Commissioner.

- C. No owner or operator of any livery shall occupy with such vehicle for the purpose of securing passengers any area designated by this section as a taxi stand nor any other place or stand on any public street; except that liveries, if not otherwise in violation of parking or standing ordinances, may stand on such main thoroughfares as are listed in Chapter **479**, § **479-4**, of the Code while awaiting further direction from the radio dispatcher of their employer.
- D. Nothing herein contained shall be construed as prohibiting the temporary occupation of any street in the vicinity of hotels, theaters and places of public entertainment by any taxicab while actually engaged by one or more passengers; provided, however, that, in such case, the vehicle and its operator shall be subject at all times to the orders of the police.
- E. For the purpose of finding a vacant taxicab stand in which to await business or in proceeding to a definite location, a taxicab driver shall proceed with the general flow of traffic and shall not obstruct traffic by slow driving or dilatory tactics and shall not, for said purposes, frequently drive around substantially the same blocks or area. No taxicab driver shall resort to any practice or manner of driving which unnecessarily will add to or tend to cause traffic congestion.
- F. No owner or operator of any livery shall secure business by cruising the City streets or by soliciting fares in public places. In proceeding to a definite location, a livery driver shall proceed with the general flow of traffic and shall not obstruct traffic by slow driving or dilatory tactics and shall not frequently drive around substantially the same blocks or area. No livery driver shall resort to any practice or manner of driving which unnecessarily will add to or tend to cause traffic congestion.
- G. Where a taxicab stand is located in an area regulated by an ordinance prohibiting parking or standing during certain periods, no operator of a taxicab or other vehicle shall permit the same to remain parked or standing in violation of such parking or standing ordinances.

§ 437-20. Penalties for offenses.

- A. Except as herein otherwise specifically provided, every person who shall in any manner violate any of the provisions of this chapter or who shall charge, take or receive or attempt to charge, take or receive any greater rate or rates of fare or charges than those prescribed by this chapter or who shall fail to do any act required by this chapter to be done by him shall be liable to a fine or penalty of not more than \$1,500 or to imprisonment for not more than 15 days, or to both such fine and imprisonment, for each offense.
- B. In addition to the fines and penalties herein fixed, the Commissioner of Permit and Inspection Services may, for cause, revoke any license issued hereunder, in accordance with the Charter of the City.
[Amended 12-9-2003, effective 12-19-2003]

§ 437-21. Exceptions.

The provisions of this chapter shall have no application to vehicles while in use at funerals, christenings or weddings.