

TOWNSHIP OF EDGEWATER PARK

ORDINANCE 2011-5

AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, REGULATING THE OPERATION OF AUTOCABS AND TAXICABS PURSUANT TO NJSA 48:16-1 ET SEQ AND CREATING CHAPTER 5.10 ENTITLED TAXICABS AND AUTOCABS LICENSING, REGULATION AND ENFORCEMENT

WHEREAS, the New Jersey State Legislature has granted local Municipalities the exclusive authority to regulate taxicabs under N.J.S.A. 48:16-1 et seq; and

WHEREAS, Edgewater Park Township is desirous of establishing a municipal license for the operation of a taxicabs and autocabs in Edgewater Park Township;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EDGEWATER PARK, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AS FOLLOWS:

Chapter 5.10 Taxicabs and Autocabs Licensing, Regulation and Enforcement

The use and operation of taxicabs and auto cabs, as defined herein, shall be in accordance with N.J.S.A. 48:16-1 et seq.

Section 5.10.010 Definitions.

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

PERSON

Any individual, copartnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

STREET

Includes any street, road, avenue, park, parkway, highway or other public place.

TAXICAB

Includes any public vehicle propelled by mechanical power, commonly called "taxi," engaged in the business of carrying passengers for hire and which particularly accepts and discharges such passengers as may offer themselves for transportation from points or places within the township. It shall not include taxis that only discharge passengers within the township, but shall include taxis that only pick up passengers within the township.

AUTOCABS

Autocab means limousine or livery service.

LIMOUSINE

Limousine or livery service means and includes the business of carrying passengers for hire by limousines.

Any automobile or motor car used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event more than 14 passengers, not including the driver, provided, that such a vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. Nothing in this definition contained shall be construed to include taxicabs, hotel buses, buses employed solely in transporting school children or teachers, vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services, autobuses which are subject to the jurisdiction of the Department of Transportation or interstate autobuses required by federal or State law or regulations of the Department of Transportation to carry insurance against loss from liability imposed by law on account of bodily injury or death.

Section 5.10.020 Licenses required.

A.

Municipal Approval. No person shall operate any taxicab and/or autocab upon any street within the Township of Edgewater Park until the owner satisfies the licensing requirements set forth hereinafter and receives consent of the Township Committee.

B.

No person shall operate any taxicab and/or autocab upon any street within the Township of Edgewater Park unless both the taxicab and the driver and autocab and driver thereof are licensed pursuant to the terms of this chapter and conform to all of the provisions hereof and such person shall have complied with the laws of the State of New Jersey relating to taxicabs and/or autocabs and/or limousine services.

Section 5.10.030 Application for taxicab and/or autocab owner's license.

A.

Every application for a taxicab and/or autocab license shall be made in writing to the Township Clerk and shall set forth the full name and address of the owner, lessee or bailee of the taxicab and/or autocab to be licensed, the make and character of taxicab and/or autocab, the length of time it has been in use, the number of persons said vehicle is suitable for carrying, the motor and serial number thereof and the place where it may be inspected by the Township Administrator, Chief of Police and/or the assigned designee. The applicant for a taxicab and/or autocab license shall present to the Township Clerk proof of registration for the vehicle, setting forth the name and address of the person to whom the vehicle is registered.

(1)

If the applicant is an individual or co partnership, said application shall state also whether or not the applicant or applicants have ever been convicted of a crime, and if so, the crime of which he or she has been convicted, the place of conviction, the date thereof and the punishment therefore.

(2)

If the applicant is a corporation, said application shall set forth the names and addresses of its officers, directors or stockholders and shall also state whether or not said officers, directors or stockholders have been convicted of a crime, and if so, the crime of which he or she has been convicted, the place of the conviction, the date thereof and the punishment therefore.

B.

Each owner's license application shall be accompanied by a nonrefundable license fee of \$50 and a license fee of \$50.00 for each taxicab and/or autocab to be licensed.

C.

There shall be submitted with each application a schedule of the rates, fees or charges proposed to be made for the use within the Township of Edgewater Park of such taxicabs and/or autocabs to be licensed.

Section 5.10.040 Eligibility for license.

No taxicab and/or autocab owner's license or taxicab and/or autocab driver's license shall be issued to an individual who has been convicted of a crime involving moral turpitude, or to a copartnership unless none of whom has been convicted of a crime involving moral turpitude, or to a corporation unless each of said officers none of whom has been convicted of a crime involving moral turpitude.

Section 5.10.050 Required insurance.

Prior to the issuance of a taxicab license to an applicant under the above-entitled ordinance, each applicant shall file with the Township Clerk an insurance policy of a company duly licensed to transact business under the insurance laws of this State to satisfy all claims pursuant to NJSA 48:16-3.

Prior to the issuance of a autocab license to an applicant under the above-entitled ordinance, each applicant shall file with the Township Clerk an insurance policy of a company duly licensed to transact business under the insurance laws of this State to satisfy all claims pursuant to NJSA 48:16-14.

Section 5.10.060 Power of Attorney

The owner of the taxicab shall execute and deliver to the Township Clerk concurrently with the filing of a insurance policy or bond, as per sections N.J.S.A 48:16-3 and 48:16-4, a power of attorney, wherein and whereby the owner shall appoint the Chief Financial Officer as his true and lawful attorney for the purpose of acknowledging service of any process out of a court of competent jurisdiction to be served against the insured by virtue of the indemnity granted under the insurance policy or bond filed.

The owner of a limousine shall execute and deliver to the Division of Motor Vehicles, concurrently with the filing of a insurance policy as per N.J.S.A, R.S.48:16-14, a power of attorney, wherein and whereby the owner shall appoint the Director of the Division of Motor Vehicles his true and lawful attorney for the purpose of acknowledging service of any process out of a court of competent jurisdiction to be served against the insured by virtue of

the indemnity granted under the insurance policy filed. Proof of filing shall be submitted concurrently with the Township Clerk.

Section 5.10.070 Issuance of license card to taxicab and/or autocab licensees; transfer of license; posting of fares.

Upon the granting of a taxicab and/or autocab license, there shall be issued to the applicant a card setting forth the name and address of the licensee, the number of the license, the make and character of the vehicle licensed, together with the maximum number of passengers to be carried therein at any one time. Said license card shall be signed by the Chief of Police and shall at all times be prominently displayed in the interior of the vehicle so licensed. There shall also be displayed in the interior of said vehicle a statement or schedule of the charges for the use thereof. Any taxicab and/or autocab license issued pursuant to this chapter may be transferred to another vehicle owned or in the custody of the same licensee, upon approval of the Township Clerk after proper application is made therefore and payment of a transfer fee of \$20.

Section 5.10.080 Application for taxicab and/or autocab driver's license; investigation.

Every application for a taxicab and/or autocab driver's license shall be made to the Township Clerk and shall set forth the full name and address of the applicant, date of birth, social security number, whether or not he or she has ever been convicted of a crime, and if so, the crime of which he or she has been convicted, the place of conviction, the date thereof and the punishment therefore. Such applicant shall also furnish his or her driver's license number and satisfactory evidence that said license is not now or has been previously revoked. Each applicant for the taxicab and/or autocab driver's license shall, at the time of filing his application, consent to a criminal history investigation by the New Jersey State Police in order to secure reports from any agency it may deem desirable or necessary with respect to said application. Each applicant for a taxicab and/or autocab driver's license shall file with his or her application three photographs, approximately 1 1/2 inches by 1 1/2 inches, clearly depicting the facial features of the applicant, each of which photographs shall thereupon become the property of the township and be retained with the application form unless the application shall be granted and the license issued, in which event one of such photographs shall be permanently affixed to the license card issued to said taxicab and/or autocab driver, one shall be retained by the Township Clerk and one shall be delivered to the New Jersey State Police. Each of said photographs shall be signed on the back thereof by the applicant and shall bear the date upon which they were taken, which shall be not more than 30 days prior to the date of the application. A nonrefundable license fee of \$50 shall accompany each application for a taxicab and/or autocab driver's license.

Section 5.10.090 Issuance of license card to taxicab and/or autocab drivers; display.

If the application for a taxicab and/or autocab driver's license shall be granted, there shall be issued to the applicant a license card setting forth the number of the license, the name and address of the licensee and his or her age. Said license card shall be signed by the Chief of Police and shall at all times be permanently displayed and adequately protected in the interior of any taxicab operated by the licensee so that the face thereof shall at all times be in full view of and plainly legible to any person seated on the rear seat of such taxicab and/or autocab.

Section 5.10.100 Denial of license; appeal.

Any applicant who is denied a license under this chapter may appeal to the Township Committee within 10 days of his notification of denial at which time the Township Committee will hold a hearing for the aggrieved party to determine the validity of the denial of the application, at which time the Township Committee may affirm or reverse the actions. No application shall be accepted from an applicant who was denied a license and no license shall be issued to said applicant unless the condition or conditions have changed sufficient to warrant a new license. The application shall set forth whether the applicant has previously filed an application for a license and whether said license was denied.

Section 5.10.110 Verification of application.

Every application for a taxicab and/or autocab owner's license or taxicab and/or autocab driver's license shall be verified by the oath of the applicant or of an officer thereof if the applicant is a corporation.

Section 5.10.120 Expiration of license; renewal.

Every license issued pursuant to the terms of this chapter shall expire at 12:00 midnight on the 30th day of June of each year, unless sooner surrendered, suspended or revoked; provided, however, that if an application for a renewal shall have been filed on or before June 30, said taxicab and/or autocab may be operated and said taxicab and/or autocab driver may operate a taxicab, pending the issuance of a new license or licenses, until the 15th day of July next succeeding. No license fee payable under this chapter shall be prorated nor shall any part thereof be refunded for any reason. Applications for a renewal of any license shall be processed as if an application for a new license.

Section 5.10.130 Vehicle markings.

Every taxicab so licensed shall have printed or marked on both sides thereof or shall have affixed to the top thereof a sign, light or device bearing the word "taxi" or "cab" or the name of the operating owner along with the word "taxi" or "cab" or "taxicab."

Section 5.10.140 Revocation of license.

The Township Committee, after notice and hearing, may revoke or suspend any license issued pursuant to this chapter if the licensee has been once convicted of a crime in this or any other jurisdiction or has been convicted of being a disorderly person or of a violation of Title 39, Motor Vehicles and Traffic Regulations, of the Revised Statutes of New Jersey, or if the licensee violates any provision of this chapter or has any judgment unsatisfied against him, her or it arising out of any automobile accident for the space of 30 days, or if the licensee has made false answers in his, her or its application for such license or any renewal thereof, or if the licensee has failed or fails to render reasonably safe, proper or adequate taxicab service, or if the licensee has not complied fully with all the requirements of this chapter with respect to such license. Any taxicab driver's license may be revoked or suspended by the Township Committee, after notice and hearing, if the licensee has in any degree contributed to any injury to person or damage to property arising out of the negligent operation of a motor vehicle, or if said taxicab driver shall have any communicable or

contagious disease. Any taxicab license may be revoked or suspended by the Township Committee, after notice and hearing, if the taxicab licensed is dangerous to the safety or health of occupants or others by reason of unsafe or unsanitary conditions, or if the financial responsibility of the owner, lessee or bailee has fallen below the requirements hereinbefore set forth, or if said licensed taxicab shall be used for any improper, immoral or illegal business or purpose.

Section 5.10.150 Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punished either by imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners for a term not exceeding 90 days or by a fine not exceeding \$1,000, or both, in the discretion of the court. In default of the payment of any fine imposed under this chapter, any person convicted of a violation hereof may, in the discretion of the court by whom said person was convicted, be imprisoned in the county jail or place of detention provided by the municipality for any term not exceeding 90 days.

Section 5.10.160 Repealer, Severability and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

NOTICE

The foregoing was introduced by the Edgewater Park Township Committee at its meeting held on May 17, 2011. This ordinance will be consider for adoption of final reading and public hearing to be held on June 7, 2011 at 7:00 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Linda M. Dougherty, R.M.C.,
Municipal Clerk/Administrator