

RO-06-13

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON,
COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND
CHAPTER 185, TAXICABS AND LIMOUSINES**

BE IT ORDAINED, by the Township Committee of the Township of Washington,
in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 185, Taxicabs and Limousines, is hereby amended in its entirety
to read as follows:

“CHAPTER 185

TAXICABS AND LIMOUSINES

ARTICLE I. TAXICABS

185-1 Definitions.

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

DRIVER means any person who drives a regulated vehicle.

OPERATOR means any person, corporation, partnership or association who
operates any regulated vehicle.

OWNER means any person, corporation, partnership or association in whose
name any regulated vehicle is registered with the New Jersey Motor Vehicles
Commission.

REGULATED VEHICLE means any automobile or motor car, commonly called a
“taxicab”, engaged in the business of carrying passengers for hire which is held
out, announced or advertised to operate or run or which is operated or run over
any of the streets or public highways of this state and particularly accepts and
discharges such persons as may offer themselves for transportation from points
or places to points or places within or without the state.

185-2. License Required. No person shall drive, keep or use for hire or cause
to be driven, kept or used for hire, any regulated vehicle within the Township of
Washington unless the vehicle and the driver thereof are licensed according to
the provisions of this Article.

185 -2.1 License Fees. Every applicant for a license for a regulated
vehicle shall pay to the Township, a license fee as follows:

- A. For each regulated vehicle – \$50.00
- B. For each driver license issued to a driver of a regulated vehicle –
\$20.00.
- C. For any replacement of a lost license or for a revised license –
\$25.00.

185 -2.2 Term of license. All licenses shall be valid from the day of
issuance and shall expire on December 31 thereafter. For any license issued on
or after September 1, the fee shall be one-half of the fee set forth in Section 185-
2.1.

185 -3 Requirements for License

185 -3.1 Regulations.

- A. Every applicant for a license as owner shall be at least 21 years of
age.

B. Every applicant for license as a driver must be 21 years of age and a holder of a valid automobile driver's license issued by the State of New Jersey.

C. Not more than 5 licenses for regulated vehicles shall be outstanding in the Township at one time.

D. The license may be transferred from vehicle to vehicle owned by the licensee on application made and approved by the Township Committee.

E. All owners or operators, upon applying for one or more regulated vehicle licenses, shall be required to maintain a business office.

185 -3.2 Application.

Every applicant for a license under this ordinance shall file with the Township Clerk a sworn written application, in duplicate, on a form to be furnished by the Clerk, containing the following information:

- A. Full name, including middle initial.
- B. Permanent home address
- C. If an owner, a description of all vehicles, including the VIN and New Jersey Motor Vehicles Commission registration number.
- D. If a driver, the New Jersey driver's license number and date of expiration and copy of the license.
- E. A statement as to whether the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.
- F. If an owner, the business office address and telephone number.
- G. Three recent photographs of passport size.
- H. If a driver, the name of the taxi company with whom he or she shall be employed.
- I. Proof that the applicant is at least 21 years of age.
- J. Proof that the applicant is either a citizen of the United States or a legal resident alien.
- K. If the applicant is a corporation, proof that the corporation is either incorporated in the State of New Jersey or authorized to do business in New Jersey.
- L. If an owner, proof of insurance as required herein.
- M. Certification that all child support obligations are current pursuant to the standard set forth in N.J.S.A. 2A:17-56.41
- N. A schedule, if an owner, of the fares proposed to be charged.

185 -3.3 Investigation of Applicant.

A. Each applicant for a regulated vehicle driver license shall, upon making application therefore and annually with each license renewal, submit to the performance of a criminal history background check, including the submission of fingerprints, at the applicant's sole cost and expense by making an appointment with the state contract vendor. In addition, each applicant shall submit to the Township Police Department his or her driver abstract from the New Jersey Motor Vehicles Commission.

B. The applicant shall not have been convicted of any of the crimes set forth in N.J.S.A. 48:16-3.b. (1) and (2). If the applicant is a partnership, then no partner may have such a record. If the applicant is a corporation, then neither the corporation nor any officer or director may have such a record.

C. Prior license revocations. The applicant must have no record of prior revocation by any jurisdiction of a license related to the taxicab business. If the applicant is a partnership, then no partner may have such a record. If the applicant is a corporation, then neither the corporation nor any officer or director may have such a record.

D. The applicant must be tested for the presence of controlled dangerous substances, as defined in N.J.S.A. 2C:35-2, within 30 days of the filing of his or her application at a facility to be designated by the Township. The results shall be provided to the chief of police and shall show the applicant to be free of controlled dangerous substances. The same test shall be required for license renewal. The applicant shall assume the cost of all testing. Operators shall also be subject to testing for controlled dangerous substances in the event of an accident by the operator or the observance of an operator driving the regulated vehicle in a careless, reckless or suspicious manner.

E. A copy of the application and all of the reports and records, including the results of the criminal history record background check, which results shall be kept confidential, shall be provided to the chief of police who shall review same and render a recommendation to the Township Committee as to whether the license should be granted based on the criteria set forth in this ordinance and in N.J.S.A. 48:16-3.b.

185-3.4 Issuance of license.

The Township Clerk shall present the completed application to the Township Committee, who shall, at the next regularly scheduled meeting after receipt of the of the recommendation of the chief of police, determine, based on the recommendation of the chief of police, and application of the factors set forth in subsection 185-3.3, whether the license shall issue. If the Township Committee so directs, the Township Clerk shall issue the license to the applicant. Where an owner's license has previously been issued, the approval of the Township Committee shall not be required as a condition for the issuance of additional vehicle licenses. Prior to placing each additional vehicle into service, the owner must amend its license application setting forth the character of the vehicle proposed to be licensed and such other facts as the Township may require. Applications for a license as a driver of the regulated vehicle may be approved by the Township Clerk.

185-3.5 Information for Licenses.

A. Each license issued under this Article for the operation of a regulated vehicle shall state the name of the person to whom the license is granted, the number of the license and the date of expiration and the motor vehicle registration number and vehicle identification number for each regulated vehicle. Each license shall be signed by the Township Clerk and shall have the Township Seal affixed thereto.

B. Each license issued to the driver of a regulated vehicle shall state the full name of the person to whom the license is granted, the operator's business name, the number of the license and the date of expiration as well as a clear picture of the driver.

C. Transfer of Owner's License. The owner's license may be transferred from one vehicle to another belonging to the same owner, only after an application in writing has been submitted and approval has been granted by the Township Clerk and payment has been made to the Township Clerk of a transfer fee of \$15.00. All applications for transfer shall be made on forms to be furnished by the Township and shall be accompanied by the transfer fee.

185-3.6. Display of License.

A. Every owner to whom a license is granted under this section shall cause the number of the license to be displayed in figures three inches high and located in the center of the rear quarter panels on the driver and passenger sides and the rear center line of the trunk of the vehicle. Each regulated vehicle so licensed shall display on each rear door the name of the Township of Washington in letters three inches in height.

B. Inside of the licensed vehicle where the sign shall be plainly visible to the passengers, the owner shall keep a card with his name and the number of his license, together with the rate of fare and also the certificate that he has complied with insurance requirements of the State of New Jersey relating to vehicles for hire.

C. Every driver of a licensed vehicle shall display the number of his license conspicuously on his cap, hat or outer garment.

185-3.7 Clerk's Register. The Township Clerk shall keep a register of licenses granted showing the number and date of issuance and expiration of each license and the name of each person licensed.

185.4 Inspections and Maintenance

The Township employee designated by the Township Committee may inspect all licensed vehicles and report thereon to the Township Committee. The Township Committee may suspend the license of any licensed vehicle deemed to be insecure or unsanitary until such time as the vehicle shall be made safe and sanitary to the satisfaction of the Committee, it being provided that the owner thereof may demand and obtain a hearing at any meeting of the Committee, and also the re-inspection of the vehicle by the Township employee designated by the Township Committee at any time after 24 hours from the time of suspension.

185-5 Revocation and Hearing

185-5.1 Any license granted under this Article may be suspended or revoked by the Township Committee, after notice and a hearing, whenever it shall appear that the person to whom the license was granted has failed to furnish or keep in force the insurance policy and power of attorney required in accordance with Section 185-7, or to comply with any term or provision of this Article or any law of the State of New Jersey regarding the ownership and operation of regulated vehicles or to maintain any regulated vehicle in a safe or sanitary condition. After such revocation or suspension, the license shall be inoperative and of no effect.

185-5.2 Any such contemplated hearing shall be held within 15 days following an order of suspension upon notice, which notice shall set forth the reasons for the proposed revocation or suspension.

185-6 Duties of Driver

Every driver of the licensed vehicle shall have the right to demand payment of the legal fare in advance and may refuse employment unless it be prepaid, but no driver shall otherwise refuse or neglect to convey any orderly person or persons upon request as designated by this Article, to any place in the Township, nor extort or demand any sum for so doing, other than the fare displayed in the vehicle pursuant to Section 185-3.6.B., provided that licensed vehicles answering calls or at the time actually engaged in commuting service shall not be deemed to violate this section on refusing other passengers.

185-7 Insurance and Power of Attorney

185-7.1. Insurance. The owner of the licensed vehicle must file with the Township Clerk an insurance policy issued by an admitted insurance company duly licensed to transact business in New Jersey, providing for annual motor vehicle liability insurance coverage of not less than \$500,000 per incident, which insurance must remain in effect for the period of the license and any renewal thereof.

185-7.2. Power of Attorney. The owner shall execute and deliver to the Township Clerk a power of attorney, wherein the owner shall appoint the chief financial officer of the Township his true and lawful attorney for the purpose of acknowledging service of 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.

185-7.3. Certificate of Compliance.

A. The Township Clerk, upon the filing of the required insurance policy, shall issue a certificate in duplicate showing that the owner of the regulated vehicle has complied with the terms and provisions of this Article.

B. The certificate shall recite the name of the insurance company, the number and date of expiration of the policy, a description of the regulated vehicles insured thereunder and the registration numbers of the vehicles.

C. The duplicate certificate shall be filed with the Motor Vehicles Commission before any such vehicle is licensed pursuant to this Article.

D. The original certificate shall be posted in a conspicuous place within the licensed vehicle.

185-8 Prohibitions

A. No driver of any vehicle licensed under this Article shall stand the same while waiting for employment at any place of public assemblage or entertainment except in such places as have been or shall be designated by the Township Committee.

B. No owner or driver of any licensed vehicle shall, while waiting for employment or otherwise, use indecent or profane language, nor be guilty of boisterous talking or shouting, or any disorderly conduct.

C. Nothing herein contained shall prevent a person or persons of legal age and duly licensed by the State of New Jersey to drive motor vehicles, from driving a licensed vehicle in an emergency, for a period of not more than five consecutive hours, but shall not thereafter drive a vehicle duly licensed under this Article.

185-9 Hours of Operation

Every owner shall maintain a dispatch service in the Township Monday through Friday between the hours of 7:00 a.m. to 9:00 p.m., on Saturday from 7:00 a.m. to 9:00 p.m. However, this shall not be construed as restricting the owner from operating additional hours each day.

185-10 Violations and Penalties.

Except as required by N.J.S.A. 48:16-1, and in addition to the penalty set forth in Section 185-5, any owner, operator and/or driver who shall operate or drive a regulated vehicle in any street in the Township of Washington without complying with the provisions of this chapter and with the provisions of N.J.S.A. 48:16-1 et seq. shall, upon conviction thereof, be guilty of a misdemeanor and be subject to one or more of the following: a fine not exceeding \$2,000, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days.

ARTICLE II. LIMOUSINES

185-11 Definitions.

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

LIMOUSINE means and includes 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 of no more than 14 passengers, not including the driver, provided that such a vehicle is certified by the manufacturer of the original vehicle and the second-stage manufacturer, if applicable, to conform to all applicable Federal Motor Vehicle Safety Standards promulgated by the United States Department of

Transportation pursuant to 49 CFR Part 571 (49 CFR 571.1 et seq.) and 49 CFR Part 567 (49 CFR 567.1 et seq.). In addition, a "Vehicle Emission Control Information" label, which contains the name and trademark of the manufacturer and an unconditional statement of compliance with the emission requirements of the Environmental Protection Agency, shall be present on the vehicle. Nothing in this article 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.

LIMOUSINE SERVICE means and includes the business of carrying passengers for hire by limousines.

PERSON means and includes any individual, co-partnership, association, corporation or joint-stock company, their lessees, trustees or receivers appointed by any court whatsoever.

PRINCIPAL PLACE OF BUSINESS means the location of the main place of business of the limousine service in the Township of Washington where limousine service is conducted, where limousines are dispatched, or where limousine drivers report for duty.

STREET means and includes any street, avenue, park, parkway, highway, or other public place.

185-12 Insurance; amount.

Except for limousines registered in other states pursuant to N.J.S.A. 48:16-22.4, no limousine shall be operated wholly or partly along any street in the Township of Washington until the owner of the limousine shall have filed with the clerk of the municipality in which the owner has his, her or its principal place of business an insurance policy of a company duly licensed to transact business under the insurance laws of New Jersey in the sum of \$1,500,000 against loss by reason of the liability imposed by law upon every limousine owner for damages on account of bodily injury or death suffered by any person as a result of any accident occurring by reason of the ownership, maintenance or use of the limousine upon any public street. Such operation shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amount of \$1,500,000. The insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance and use of such limousine or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage, injury aforesaid.

185-13 Certificate of compliance; contents; fees, filing and posting.

Upon the filing of the required insurance policy by an owner having its principal place of business in the Township of Washington of a limousine service, the Township Clerk, upon the payment of the maximum fee allowed under N.J.S.A. 48:16-17, as may be amended from time to time, and currently \$50 for the first vehicle and \$10 for each subsequent vehicle, shall issue in duplicate a license to operate showing that the owner of the limousine has complied with the terms and provisions of N.J.S.A. 48:16-13 et seq. The license shall recite the name of the insurance company, the number and date of expiration of the policy, a description of every limousine insured thereunder, and the registration number of the same. The duplicate license shall be filed with the New Jersey Motor Vehicle Commission before any such car is registered as a limousine. The original license or a copy thereof shall be retained within the limousine and shall be available for inspection by any law enforcement officer in the State. In addition to the recital of insurance information required on the license pursuant to this section, the owner of a limousine shall attach to the original license or copy thereof retained within the limousine a notarized letter from an insurance company containing the same insurance information required in the recital and

the Vehicle Identification Number (VIN) or a notarized certificate of insurance for the particular limousine showing the VIN as well as the limits of insurance coverage, and available insurance card, which shall constitute proof of insurance coverage, and which shall also be available for inspection by any law enforcement officer in the State.

185-14 Certain license or permit required for limousines providing intramunicipal point-to-point service.

Notwithstanding any other provisions of law to the contrary, the Township of Washington requires a limousine service to obtain a corporate license, permit, certificate or other form of authority if the limousine service is providing service on an intramunicipal point-to-point basis within the Township of Washington. The fee for the issuance of this license is \$50 (which is in addition to any other fee), which applies to all limousines operated by a limousine service providing such intramunicipal point-to-point service within the Township of Washington.

185-15 Limousine licensing.

No limousine shall be operated on the streets in the Township of Washington unless it has a license issued pursuant to N.J.S.A. 48:16-17 and the limousine is equipped in accordance with the minimum standards established by the New Jersey Motor Vehicle Commission and the Department of Transportation with:

A. A two-way communication system, which, at a minimum shall provide for communication to a person outside the vehicle for a distance of not less than 100 miles and which requirement may be satisfied by a mobile telephone;

B. A removable first aid kit and operable fire extinguisher, which shall be placed in an accessible place within the vehicle;

C. Sideboards attached to the permanent body construction of the vehicle if the height of the vehicle floor is 10 inches or more above ground level.

185-16 Compliance with state statute.

Any owner, operator or driver shall comply with N.J.S.A. 48:16-13 et seq., including but not limited to N.J.S.A. 48:16-22.3a, and any regulation enacted thereto. Proof of compliance for each owner, operator or driver shall be provided to the Township with each application for a limousine license, including renewal applications, by providing copies of the chauffeur driver endorsement for each owner, operator and driver.

185-17 Regulation of Licenses.

A. No more than 5 licenses for limousines shall be outstanding in the Township at one time.

B. No limousine licensed under this chapter shall be operated as a taxi. Limousines licensed under this chapter shall be limited in use to carrying passengers for hire upon contract only, or for such events as funerals, weddings and other special occasions, or for trips outside of the geographic boundaries of the Township of Washington.

185-18 Examination and inspection of limousine by operator.

Prior to the operation of a limousine in the Township of Washington for the purpose of picking up passengers, the driver of the limousine shall conduct a general examination of the condition of the vehicle in accordance with N.J.S.A 48:16-22.2.a.

185-19 Revocation and Hearing

185-19.1. Any license granted under this Article may be suspended or revoked by the Township Committee, after notice and a hearing, whenever it shall appear that the person to whom the license was granted has failed to furnish or keep in force the insurance policy required in accordance with Section 185-13, or to comply with any term or provision of this Article or any law of the State of New Jersey regarding the ownership and operation of limousines or to maintain any limousine in a safe or sanitary condition. After such revocation or suspension, the license shall be inoperative and of no effect.

185-19.2 Any such contemplated hearing shall be held within 15 days following an order of suspension upon notice, which notice shall set forth the reasons for the proposed revocation or suspension.

185-20 Violations and penalties.

In addition to the penalty set forth in Section 185-19, any person who shall operate a limousine service in any street in the Township of Washington without complying with the provisions of this chapter and with the provisions of N.J.S.A. 48:16-13 et seq. shall, upon conviction thereof, be subject to the fines and penalties set forth in N.J.S.A 39:5G-1(a) and -2.”

SECTION 2. All Ordinances of the Township of Washington that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance

SECTION 4. The provisions of this ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

TOWNSHIP OF WASHINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY

Deborah A. Burd, Acting Clerk

Kenneth W. Short, Mayor