

ORDINANCE 25-03

ORDINANCE AUTHORIZING AN AMENDMENT TO CHAPTER 8 ARTICLE 5 OF THE TOWN CODE RELATING TO THE ISSUANCE OF TAXICAB LICENSES IN THE TOWN OF HACKETTSTOWN

WHEREAS, the Town of Hackettstown seeks to regulate the operation of taxicabs within its jurisdiction to ensure public safety, efficiency, and fair business practices; and

WHEREAS, the Mayor and Common Council recognize the need to establish a limit on the number of taxicab operator licenses to prevent an oversaturation of services and maintain manageable oversight of licensed vehicles and drivers; and

WHEREAS, the Town of Hackettstown has determined that no new or additional operator and/or taxi licenses should be issued beyond those currently in existence, thereby capping the number of operators and licensed taxicabs operating within the Town; and

WHEREAS, the Town seeks to implement a sunset provision that will phase out operator and taxicab licenses when a licensed owner ceases to operate their business or fails to renew or properly substitute a taxi license, thereby gradually reducing the total number of licenses over time; and

WHEREAS, it is in the best interest of the health, safety, and welfare of residents and visitors that this ordinance be enacted to establish clear parameters for the licensing and operation of taxicabs in Hackettstown.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Hackettstown, County of Warren, that Chapter 8 Article 5 of the General Code of the Town of Hackettstown ("Code") is hereby amended as follows:

SECTION 1. Chapter 8 Section 5 is hereby deleted in its entirety and replaced with the following:

ARTICLE 5. TAXICABS

8-55. Definitions.

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

DRIVER: Any person who drives or will drive a regulated vehicle.

OPERATOR: Any corporation, partnership, sole proprietorship, association, or person in whose name any regulated vehicle is registered with the Department of Motor Vehicles and/or who operates or will operate any regulated vehicle.

REGULATED VEHICLE: Any vehicle engaged in the carrying of passengers for hire, including but not limited to taxicabs, limousines, vans, minivans, omnibuses

and all similar vehicles, but not including those public conveyances regulated exclusively by state or federal law.

8-56. License required.

It shall be unlawful to hire out, operate, garage or park any regulated vehicle within the Town of Hackettstown unless said regulated vehicle and the driver thereof are licensed pursuant to this chapter.

8-57. Term of license.

As of the date of the passage of this Ordinance, no new and/or additional operator or regulated vehicle licenses will be issued by the Town of Hackettstown. All operator's, regulated vehicle and driver's licenses issued under this chapter shall be valid from the date of their issuance through the following May 1st. Renewed licenses shall be valid from May 1st through May 1st of the succeeding year unless suspended or revoked.

8-58. Fees. (5-24-18)

Operators shall be required to pay the following license fees:

A. For each regulated vehicle: \$150.00 per vehicle.

B. For each driver: \$75.00 per driver for initial license and renewal.

8-59. Issuance of Licenses and Licensing of Substitute Vehicles.

A. As of the date of the passage of this Ordinance, no new and/or additional Operator or regulated vehicle licenses will be issued by the Town of Hackettstown. However, the Town Clerk and/or his/her designee is hereby authorized to issue renewal licenses for existing regulated vehicles, licenses for substitute vehicles as set forth in Section 8-59 (C)(2) below, and licenses for new drivers of existing regulated vehicles under the control of licensed owners, upon receiving notice of approval of the application(s) therefore from the Mayor and Common Council. Each regulated vehicle license shall set forth the dates said license will remain effective and the maximum number of passengers permitted in the vehicle. The maximum number will be determined by allowing one passenger in the front seat and two or three passengers in each additional row of seating depending upon the type of seating available. Each driver's license shall set forth the dates said license will remain effective and shall include a current and clear picture of the driver, the driver's full name, the operator's business name, and a brief description of the driver, including his or her age, height, complexion, color of hair and color of eyes. The maximum number of regulated vehicle licenses shall not exceed six (6) vehicles subject to the limitations set forth in Section 8-68.

B. Nothing contained in this section shall prevent the renewal of licenses in existence on the effective date of this section. For the purpose of this section, any license for a new license term which is issued to replace a license which expired on the last day of

the license term immediately preceding the commencement of the new license term, or which is issued to replace a license which will expire on the last day of the license term immediately preceding the commencement of said new license term, shall be deemed to be a renewal of the expired or expiring license; provided, however, that said new license is of the same type as the expired or expiring license, is issued to the holder of the expired or expiring license and is issued pursuant to an application therefor which shall have been filed prior to the expiration of the expiring license.

C. Licensing of substitute vehicle.

1. No owner of any licensed taxicab or livery shall sell, lease, rent, assign, hire, transfer or in any other manner dispose of such taxicab or livery or any taxicab or livery business.

2. In the event that any licensed owner shall acquire a vehicle during any license period which is intended to be used as a substitute for one previously licensed, the owner thereof shall immediately notify the Town Clerk, in writing, of such substitution and apply for a transfer of the license from the previously licensed vehicle to the one to be substituted therefor. Subject to the provisions of this chapter and the payment of the transfer fee, the Town Clerk shall approve the transfer of such license.

3. During the period subsequent to such notification and prior to the approval or disapproval by the Mayor and Common Council of the transfer of the license to permit the operation of such substituted vehicle, the owner may operate such substituted vehicle or cause the same to be operated, subject to the other provisions of this chapter.

4. Nothing herein contained, however, shall be construed as authorizing any person who is not presently licensed as an owner to operate or permit the operation of any taxicab or livery owned by him.

8-60. Insurance and power of attorney requirements:

Licensed Operators, upon applying for a regulated vehicle license shall furnish proof of an insurance policy covering each regulated vehicle in accordance with N.J.S.A. 48:16-1 et seq., as amended and supplemented from time to time. Pursuant to N.J.S.A. 48:16-3, the policy shall provide for not less than \$1.5 million to satisfy all claims for damages, by reason of bodily injury to, or the death of, any person or persons, resulting from, or on account of, an accident, by reason of the ownership, operation, maintenance, or use of such taxi upon any public street; and to satisfy any claim for damages to property of any person or persons, resulting from, or on account of, an accident, by reason of the ownership, operation, maintenance, or use of such taxi upon any public street.

Operators must produce proof that the required insurance policy will be in effect as of May 1st and shall include a thirty (30) day cancellation clause. Each owner shall also

execute and deliver to the Town Clerk the required power of attorney in accordance with N.J.S.A. 48:16-1 et seq., as amended and supplemented from time to time.

8-61. State inspection, parking and sign requirements.

A. Operators must provide proof that each regulated vehicle has been inspected by a state operated inspection facility when the facility is located within the Town of Hackettstown.

B. Operators must provide proof that each regulated vehicle has a garage or designated parking space located on private property where said vehicle will be stored when not in use. Written approval from the owner or renter of said private property must be produced. No more than one regulated vehicle may be stored at any single residential property located within the Town of Hackettstown.

C. All regulated vehicles must have permanently affixed signs on the driver and passenger doors setting forth the operator's business name, regulated vehicle license number, the maximum number of passengers allowed by said license, and the business office telephone number. If the word "taxi" or "cab" does not appear in the owner's name then the word "taxi", "taxicab" or "cab" must also be painted on both sides. The letters and numbers on said signs must be at least three inches tall and two inches wide and must be clearly visible from a distance of 50 feet.

D. The schedule of fares to be charged shall be clearly and prominently displayed in each regulated vehicle. The schedule of fares shall also be provided with the annual application for a vehicle license.

8-62. Business office to be maintained; hours and days of operation.

All existing operators shall be required to maintain a business office in any zone permitted for such an office within the Town of Hackettstown. The address and telephone number of said office must be listed on all regulated vehicle locations. All operators of more than one regulated vehicle must remain open for service between the hours of 7:00A.M. and 1:00A.M. the following day and may offer continued operations during any other hours.

8-63. Photographs and fingerprints required; age requirement.

A. Each applicant for a regulated vehicle driver's license shall, upon making application therefore, furnish his or her existing driver's license for a record check and three recent photographs of passport size, one of which shall be retained by the Town Clerk, another which shall be affixed to the driver's license, and the third which shall be affixed to a card, suitably framed under any transparent covering such as plastic or other transparent non-breakable glass covering approved by the Police Department and displayed in a prominent place in the interior of the regulated vehicle being driven. Said card must also contain a brief description of the driver, including his or her age height, complexion, color of hair and color of eyes.

B. Each applicant for a license shall provide proof that he or she is at least 21 years of age and is either a citizen of the United States or has legal immigration status.

C. Each applicant shall supply an FBI fingerprint criminal history background check or, in the alternative, a National Crime Information Check dated within six (6) months of the beginning of the license term.

D. Each applicant must be able to understand, read and write the English language.

E. Each applicant must possess a satisfactory knowledge of traffic regulations and of the geography of the Town.

8-64. Maintenance of regulated vehicles.

Every regulated vehicle licensed pursuant to this chapter shall be properly maintained and equipped at all times in accordance with the manufacturer's recommendations and the standards and regulations of the New Jersey State Motor Vehicles and Traffic Regulation Act and shall further comply with the following additional requirements:

A. The interior shall be clean and sanitary, meaning that the upholstery and carpeting shall be reasonably free from debris, tears, holes, cuts and stains. Maintaining the regulated vehicle in a sanitary condition means keeping the regulated vehicle free from defects which could adversely affect the health of passengers, such as the presence of volatile fumes, spoiled food or garbage, blood stains or any other items which could affect the health of passengers of the driver.

B. All doors shall open easily and close firmly. This provision requires the immediate repair of doors which cannot be closed by the standard handle for said door (i.e., closing the door with a piece of rope or wire). Furthermore, the door must not be able to be opened without using the door handle, and all locks on the vehicle must operate such as to prohibit the opening of any door while the lock is engaged.

C. Seat belts shall be fully functional and available for the driver and all passengers. Town, damaged or missing seat belts must be immediately replaced.

D. The exterior shall be clean and free from rust and peeling paint, and all wheels shall be covered by hubcaps.

E. Dents shall not be larger than those that normally occur as a result of parking next to other vehicles, all dents larger than three inches must be repaired promptly. Dents shall be construed to cover damage on any portion of the regulated vehicle, including bumpers and any other exterior facets.

F. Each regulated vehicle in operation must be kept in proper operating condition at all times, including but not limited to a properly functioning muffler and emissions system, a clear and undamaged windshield and windows (no tinting of rear windows shall be permitted). The Police Department of the Town of Hackettstown can request an inspection or emissions test for any regulated vehicle if, in its sole discretion,

cause exists to believe said regulated vehicle is not in compliance with the maintenance requirements set forth herein.

G. Upon application for renewal of a license, a member of the Hackettstown Police Department shall inspect each regulated vehicle for any violations of the requirements of this chapter. If any violations are found, the Police Department shall inform the Town Clerk that no renewal license should be issued on the applicant's vehicle. Under such circumstances, the Police Department will inform the applicant what repairs need to be completed before issuance of a license can occur. In no way should the provisions of this chapter be interpreted as to prohibit an applicant from having a previously rejected vehicle re-inspected after the required repairs are completed. An applicant aggrieved by any provisions of this section has an immediate right of appeal to the Mayor and Common Council.

H. The operator of a taxicab shall not smoke a cigarette, cigar or pipe while the taxicab is occupied by passengers.

I. Beginning on January 1, 2012, any regulated vehicle not previously licensed as a taxicab must be painted taxicab yellow.

8-65. Record of trips.

The drivers of all regulated vehicles must keep a written record of each trip, including the date and exact time the trip commenced and ended and the number of passengers carried. Trip records must be maintained by the operator for at least one year and must be made available for inspection by the Police Department of the Town of Hackettstown or any other law enforcement agency upon request. No person shall cruise on the streets of the Town at any time for the purpose of soliciting passengers.

8-66. Traffic regulations and limitation on solicitation.

A. All drivers will be held fully responsible for compliance with all traffic, parking and safety regulations on the road. In addition, all passengers will be required to enter and exit all regulated vehicles through the door or doors closest to the curb where said passengers are waiting for pick up or are being dropped off.

B. Regulated vehicles that are registered with the state as limousines shall not be allowed to solicit fares on the road and may only pick up passengers who have prearranged said limousine transportation by telephone.

8-67. Refusal to issue license; suspension or revocation.

The Mayor and Common Council may refuse to issue a license or suspend any license or revoke any license after notice and hearing if:

A. This chapter is violated in any particular.

B. The operator or driver has been convicted of a felony, misdemeanor, Disorderly persons or frequent or significant violations of Title 39 of the Revised Status of New Jersey.

C. The driver fails to render reasonably prompt and adequate service while driving a regulated vehicle, has contributed to injury to person or property, or for other good cause.

D. The regulated vehicle has become unsafe or unsanitary, or the policy of insurance provided for in Paragraph 8-60 of this chapter has been allowed to lapse and no substitute has been furnished prior to the effective date of said lapse.

E. The falsification of any information contained in the application for a license.

8-68. Sunset Provision

Existing operator licenses shall sunset and be forever extinguished once a licensed owner ceases to operate its business. Any regulated vehicle license(s) previously held by the owner will likewise be extinguished and the number of licenses available under Section 8-59(A) of this Ordinance shall be reduced accordingly. Likewise in the event an existing licensed owner fails to timely renew the license for a regulated vehicle or fails to properly substitute a regulated vehicle, as the case may be, the license shall forever be extinguished and thereby result in a reduction of the number of licenses available under Section 8-59(A) of this Ordinance.

8-69.

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8-70.

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8-71: Violations and Penalties. (5-10-18)

Except as required by N.J.S.A. 48:16-1 et seq., any operator and/or driver found to have violated the provisions of this chapter may have his or her license issued hereunder suspended or revoked by the Mayor and Common Council, and repeat offenders are subject to revocation of all their licenses issued hereunder. Furthermore, upon conviction of said violation by the Municipal Court, any operator and/or driver shall be subject to one or more of the following: a fine of not less than \$750.00 and not more than \$1,000.00, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days. Notwithstanding the above, upon conviction by the Municipal Court of a violation of Section 8-61, 8-64(A), 8-64(B), 8-64(C), 8- 64(F), 8-64(G), and 8-66(A), any operator and/or driver shall be subject to one or more of the following: a fine of not less than \$1,000.00 and not more than \$2,000.00, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect upon final passage and publication according to law.