

**BOROUGH OF FLORHAM PARK  
ORDINANCE #11-12**

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE  
BOROUGH OF FLORHAM PARK, IN THE COUNTY OF MORRIS, STATE OF  
NEW JERSEY, AMENDING CHAPTER 224, "TAXICABS AND LIMOUSINES"**

**WHEREAS**, the Mayor and Borough Council have determined the need to update the provisions of Chapter 224, "Taxicabs and Limousines," of the Borough Code in order to comply with changes in New Jersey law and to clarify the requirements for obtaining licenses for operating taxicab or limousine services in the Borough.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Florham Park, County of Morris, and State of New Jersey as follows:

**SECTION 1.** Chapter 224, "Taxicabs and Limousines" of the Revised General Code of the Borough of Florham Park, is hereby deleted in its entirety and replaced by the following:

**CHAPTER 224    TAXICABS AND LIMOUSINES**

**§224-1        Definitions.**

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

**LIMOUSINE**

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.), as defined in N.J.S.A. 48:16-13.

### TAXICAB

Any automobile, taxicab or other vehicle propelled by motor power engaged in the business of transportation of passengers for hire or pay within the Borough whether operated from stands in the street or only on telephone calls to garages or in any other manner. It is the intention of this chapter to include in the definition of "taxicabs" any motor-driven vehicle, other than stages, omnibuses, and vehicles commonly called "jitneys," which carries passengers for hire or pay for which public patronage is solicited and the owner of which holds himself out as a carrier of passengers.

### **§224-2      Types of Licenses.**

The following types of licenses are hereby established for the purposes of this chapter.

A.      Taxicab owner's license; filing of certificate.

(1)      Each person engaged in the taxicab business and utilizing the Borough as a principal place of business shall obtain an individual license for each taxicab.

(2)      Pursuant to N.J.S.A. 48:16-7, any person engaged in the taxicab business within the Borough whose principal place of business is in another municipality shall file a certificate from the Clerk of that municipality certifying that the owner has complied with the insurance requirements of N.J.S.A. 48:16-3.

B.      Limousine owner's license. Pursuant to N.J.S.A. 48:16-17, each person engaged in the limousine business whose principal place of business is in the Borough shall obtain an individual license for such business.

### **§224-3      Taxicab Owner's License.**

A.      Required. It shall be unlawful for any person to engage in the taxicab business utilizing the Borough as a principal place of business without first having obtained a license therefore as hereinafter provided.

B.      Application for license.

(1)      No taxicab owner's license shall be issued for any vehicle required to be licensed until the owner files an application for a taxicab owner's license setting forth a description of the vehicle proposed to be licensed including the model, serial number and registration number, the correct name of the owner thereof, the residence or address of the principal office of such owner, a complete application for a taxicab owner's

license shall also set forth the name, address and age of each driver who will be employed by the owner to drive taxis within the Borough, as well as a certification by the applicant as to each such driver that the driver is at least 20 years of age, has had at least one year of driving experience, is of good moral character, has no criminal record and is physically able to operate a taxicab. The applicant shall have an ongoing responsibility to update the list of drivers with additions and deletions as they occur.

(2) The applicant shall further certify that any driver who is convicted of a crime or of being a disorderly person in this or any other jurisdiction or who is convicted of a violation of Title 39 of the Revised Statutes of New Jersey shall immediately be prevented from operating any of the applicant's taxicabs within the Borough.

(3) The application for license shall be made to the Borough Clerk on forms provided by the Clerk's office. Upon receipt of the license application properly completed the Borough Clerk shall forward the application and other necessary documents to the Borough Council which shall review the application for the purpose of determining whether or not the applicant has complied with all of the requirements and conditions of this chapter. Should the Borough Council find that there has been compliance with the terms of this chapter, it shall be in the form of a resolution ordering the issuance of a license by the Borough Clerk.

(4) All applications for licenses shall be accompanied by the required fee and shall be made to or through the Borough Clerk upon forms provided by the Clerk's office. All application fees shall be nonrefundable, except that when the Borough Clerk shall deny applicant a license or permit the applicant shall be refunded 50% of his application fee. The non-refundability of all application fees shall be stated on all application forms. Applications may contain information deemed necessary or specifically called for by ordinance.

C. Approval of application.

The Borough Clerk shall not issue any taxicab owner's license until the application therefore is approved by the Borough Council and the conditions precedent to the issuance of the license as set out in this chapter are complied with. Where a taxicab owner's license has previously been issued, the approval of the Borough Council shall not be required as a condition for issuance of additional vehicle licenses.

D. License Fee.

The annual fee for a taxicab owner's license shall be \$50. A fee of \$35 shall be paid to add additional vehicles under the license.

E. License Term.

All taxicab owners' licenses shall expire on December 31 following the date of issue and shall be renewed annually on or before January 1.

F. Posting of license and photo identification of driver.

Each taxicab owner's license issued shall bear a number and shall state the name of the person to whom it is issued. It shall briefly describe the vehicle licensed and indicate the motor vehicle license number. Each license shall be signed by the Borough Clerk and shall have the Borough Seal affixed thereto. The license shall be placed in a conspicuous location in the taxicab along with a photo identification of the driver, which clearly indicates the driver's name, address and driver's license number.

G. Inspections of vehicles.

No taxicab owner's license shall be issued for any vehicle which is not currently registered and inspected by the State of New Jersey.

H. Liability insurance and power of attorney.

(1) No taxicab owner's license shall be issued for any vehicle required to be licensed until there is submitted to the Borough Clerk at the time application for a license is made and approved by the Borough Clerk as to both form and sufficiency, an insurance policy with the premium prepaid thereon issued by an insurance company duly licensed to transact business under the Laws of the State of New Jersey with a policy limit of not less than \$1,500,000 against loss imposed by law, including but not limited to judgment or settlement, upon such owner for damages on account of bodily injury, including death, or property damage suffered by one or more persons arising from or caused by any one accident, including an act or omission, occurring by reason of the ownership, maintenance or use of the vehicle so licensed within the Borough. A "combined single limit" policy in the amount required by this Code section shall satisfy this Code section. The operator of each taxicab shall be covered by the insurance requirements herein referred to.

(2) All taxicab owners' licenses shall be effective and operative only as long as such insurance policy or policies remain in force and effect.

(3) Concurrently with the filing of the insurance policy referred to herein, the applicant shall submit a power of attorney whereby the owner shall appoint the Borough's Chief Financial Officer his true and lawful attorney for the purpose of acknowledging service of any process out of a court of competent jurisdiction to be served upon the insured by virtue of the indemnity granted under the insurance policy, as provided by N.J.S.A. 48:16-5.

I. Maintenance of records.

The owner-licensee shall keep and maintain records of all trips for a period of at least six months, which records shall at all times be subject to inspection and audit by the Borough Council.

J. Additional rules and regulations.

The Borough Council may, by resolution, make such rules and regulations in relation to the operation of taxicabs and the conduct of the operators thereof as it may determine to be necessary and proper in the best interests of the Borough. A certified copy of any such resolution shall be forwarded to all licensees within 10 days following adoption.

**§224-4      Suspension and revocation.**

A. Any license issued in accordance with the terms of this chapter may be refused or any license issued may be revoked or a renewal thereof refused by the Borough Council after notice and hearing for any of the following causes:

(1) If the license holder or applicant for any license has been convicted:

- (a) Of a crime in this or any other jurisdiction.
- (b) Of being a disorderly person in this or any other jurisdiction.
- (c) Of a violation of Title 39 of the Revised Statutes of New Jersey.
- (d) Of a violation of any provision of this chapter.

(2) If the license holder or applicant has any judgment unsatisfied or record against him arising out of an automobile accident.

(3) If the license holder or applicant has failed or fails to render reasonably prompt, safe and adequate taxicab service.

(4) If the license holder or applicant has failed to comply with all laws of the State of New Jersey or ordinances of the Borough or rules and regulations regarding the ownership and operation of taxicabs.

B. Any contemplated hearing shall be held with 15 days following an order of suspension upon notice, which notice shall set forth the reasons for the proposed revocation or suspension.

**§224-5      Taxicab stands.**

Taxicab stands shall be established in accordance with Chapter 238, Vehicles and Traffic.

**§224-6      Refusal to carry orderly passengers prohibited.**

No driver of any licensed taxicab shall refuse or neglect to carry in his taxicab any orderly person upon request unless the driver is previously engaged.

**§224-7      Exceptions.**

The requirements of this chapter shall not apply to a taxicab owner or taxicab operator duly licensed by another municipality while such taxicab is being operated in the Borough solely for the purpose of delivering to a destination or destinations within the Borough a passenger or passengers picked up by the taxicab at a point or points outside of the Borough.

**§224-8      Cruising.**

No person shall cruise on the streets of this Borough with any taxicab at any time for the purpose of soliciting passengers.

**§224-9      Refusal to carry passengers prohibited.**

Every person licensed under this chapter shall not refuse to carry local fares or passengers.

**§224-10     Taxicab from outside Borough.**

Owners and drivers of taxicabs licensed out of the jurisdiction of this Borough may be allowed to enter their taxicabs in this Borough, but on specific call only, whether transporting a passenger within this Borough or from a point within the Borough, and the name of the passenger so calling shall be given by the owner or driver when requested by the Borough police or other lawful persons. Such taxicabs shall not be parked in this Borough, nor shall the drivers thereof cruise on the streets of this Borough at any time for the purpose of soliciting passengers, nor shall they, in the nighttime or other periods of darkness, when in this Borough, permit any advertising lights on the taxicab to remain lighted, provided that the same or similar substantial reciprocal rights are granted to owners and drivers of taxicabs licensed in this Borough by the municipalities in which the aforesaid owners or drivers are licensed.

**§224-11     Limousine Owner's License.**

A.      Required.

It shall be unlawful for any person to engage in the limousine business utilizing the Borough as a principal place of business without first having obtained a license therefor as hereinafter provided.

B.      Application for license.

(1) No limousine owner's license shall be issued for any vehicle required to be licensed until the owner files an application for a limousine owner's license setting forth the following:

- (a) The owner's name and the address of the owner's principal place of business in the Borough.
- (b) The name of the company providing insurance coverage to the owner as required by N.J.S.A. 48:16-14 and the number and expiration date of the required insurance policy.
- (c) A description of every limousine insured under the required policy, including the model and serial number.
- (d) The registration number of every limousine insured under the required policy.

(2) The application for license shall be made to the Borough Clerk on forms provided. All applications shall be accompanied by the required fee. All application fees shall be nonrefundable, except that when the Borough Clerk shall deny an applicant a license, the applicant shall be refunded 50% of the application fee. The non-refundability of application fees shall be stated on all application forms. Applications may contain information deemed necessary or specifically called for by ordinance.

(3) Where a limousine owner's license has previously been issued, the approval of the Borough Council shall not be required as a condition for issuance of additional vehicle licenses.

C. Approval of application.

The Borough Clerk shall not issue any limousine owner's license until the applicant has demonstrated satisfactory compliance with the provisions of N.J.S.A. 48:16-13 to N.J.S.A. 48:16-22.7, and with the conditions precedent to issuance of the license set forth in this chapter.

D. License fee.

The annual fee for a limousine owner's license shall be \$50 for the limousine service plus \$10 for each limousine which is covered under the insurance policy set forth in Subsection B(1)(b) of this section.

E. License term.

All limousine owners' licenses shall expire on December 31 following the date of issue and shall be renewed annually on or before January 1.

F. Posting of license.

Pursuant to N.J.S.A. 48:16-17, each limousine license shall recite the name of the insurance company, the number and date of expiration of the insurance policy, a description of the limousine insured thereunder and the registration number of the limousine insured thereunder. The original license or a copy thereof shall be retained within the limousine and shall be available for inspection.

G. Liability insurance and power of attorney.

(1) No limousine owners' license shall be issued for any vehicle required to be licensed until there is submitted to the Borough Clerk at the time application for a license is made and approved by the Borough Clerk as to both form and sufficiency, an insurance policy with the premium prepaid thereon issued by an insurance company duly licensed to transact business under the laws of the State of New Jersey with a policy limit of not less than \$1,500,000 against loss imposed by law, including but not limited to judgment or settlement, upon such owner for damages on account of bodily injury, including death, or property damage suffered by one or more persons arising from or caused by any one accident, including an act or omission, occurring by reason of the ownership, maintenance or use of the vehicle so licensed within the Borough. A "combined single limit" policy in the amount required by this Code section shall satisfy this Code section. The operator of each limousine shall be covered by the insurance requirements herein referred to.

(2) All limousine owners' licenses shall be effective and operative only as long as such insurance policy or policies remain in force and effect.

H. Inspection of vehicles.

No limousine owner's license shall be issued for any vehicle which is not currently registered and inspected in the State of New Jersey.

I. Additional rules and regulations.

In addition to the rules and regulations set forth herein, the State of New Jersey and the Motor Vehicle Commission have further statutes, rules and regulations with regard to the operation of limousines and the conduct and licensing of operators thereof. The Borough Council may, by resolution, make such rules and regulations in relation to the operation of limousines and the conduct of operators thereof as they may determine to be necessary and proper in the best interests of the Borough. A certified copy of any such resolution shall be forwarded to all licenses within 10 days following adoption.

J. Penalties.

Any person or persons, firms, corporations or other organizations found to be in violation of this section shall, upon conviction thereof in municipal court, in addition to the penalties provided by N.J.S.A. 48:16-22.3, pay a fine of not less than \$50 nor more than \$200 for the first offense and for each subsequent offense shall, upon conviction, pay a fine not to exceed \$1,000. The Municipal Court Judge may also impose, if he or she so desires, a jail term not to exceed 90 days or community service not to exceed 90 days. In addition to such penalties, every license granted pursuant to this section may be revoked by the Borough Clerk upon

evidence of failure to comply with any provision of N.J.S.A. 48:16-13 *et seq.*

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 3.** If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

**SECTION 4.** This ordinance shall take effect upon final publication as provided by law.

**I HEREBY CERTIFY** this to be a true and correct ordinance of the Mayor and Borough Council of the Borough of Florham Park introduced on June 21, 2011, and will be further considered for adoption after Public Hearing held on July 19, 2011, at 7:00 p.m. in the Municipal Building located at 111 Ridgedale Avenue.

INTRODUCED: June 21, 2011

ADOPTED: July 19, 2011

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R. Scott Eveland, Mayor

ATTEST:

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Sheila Williams, R.M.C., Borough Clerk

